

adjusted-compensation certificates; to the Committee on Ways and Means.

8695. Also, petition of 100 citizens of the second Queensborough (N. Y.) district, favoring the dog exemption bill (H. R. 7884); to the Committee on the District of Columbia.

8696. By Mr. CANFIELD: Petition of A. G. Hummel, commander of the American Legion of Madison, Ind., and six other prominent citizens of Madison, Ind., urging the passage of legislation to provide a full-time, paid chaplain for every veterans' hospital, including those planned for future building; to the Committee on World War Veterans' Legislation.

8697. By Mr. CANNON: Petition of St. Charles County (Mo.) Farm Bureau, suggesting that the Federal Government through appropriations provide a market for securities of the Federal land banks and joint-stock land banks; to the Committee on Banking and Currency.

8698. By Mr. CLARKE of New York: Petition of the members of the Woman's Christian Temperance Union, of Binghamton, N. Y., urging Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

8699. Also, petition of the members of the Woman's Christian Temperance Union of Walton, N. Y., urging Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

8700. By Mr. FITZGERALD: Petitions of Frederick H. Rike, president, Rike Kumler Co.; John C. Haswell, president, Dayton Malleable Iron Co.; George W. Lane, president, Dayton Real Estate Board; Harry R. Blagg, president, Dayton Builders Exchange; John Q. Sherman, president, Standard Register Co.; George B. Smith, secretary to C. F. Kettering, vice president, General Motors Corporation, all of Dayton, Ohio; and Fred D. Connolly, executive director, Columbus (Ohio) Chamber of Commerce, protesting against Government operation of Muscle Shoals and advocating sale or lease to private operatives; to the Committee on Military Affairs.

8701. By Mr. HOOPER: Petition of residents of Battle Creek, Mich., urging Congress to enact legislation for the Federal supervision of motion pictures establishing higher moral standards before production of films that are to be licensed for interstate and international commerce as provided in the Grant-Hudson motion-picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

8702. By Mr. LEA: Petition of 20 residents of Marin County, Calif., and 1 resident of Eureka, Calif., favoring passage of House bill 7884, for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8703. By Mr. NOLAN: Petition of Mother Club, of Minneapolis, Minn., urging the enactment of law for the Federal supervision of motion pictures establishing higher standards before production of films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

8704. By Mr. SELVIG: Petition of American Legion Post, of Fergus Falls, Minn., urging the enactment of the bill providing for the immediate payment of the face value of the World War adjusted-service compensation certificates; to the Committee on Ways and Means.

8705. Also, petition of American Legion Post, of Battle Lake, Minn., favoring immediate payment of full face value of the United States World War veterans adjusted-service compensation certificates; to the Committee on Ways and Means.

8706. Also, petition of American Legion Post, of Hendrum, Minn., urging early enactment of legislation providing for payment at full face value of adjusted-service certificates; to the Committee on Ways and Means.

8707. By Mr. SHOT'T of West Virginia: Memorial of Princeton Post, No. 54, American Legion, of Princeton,

W. Va., urging the passage of House bill 3493, providing for payment to veterans of the World War the face value of their adjusted-service certificates; to the Committee on Ways and Means.

8708. By Mr. VINCENT of Michigan: Petition of more than a thousand citizens of the eighth congressional district of Michigan, urging the immediate passage of legislation for payment of adjusted-compensation certificates in cash; to the Committee on Ways and Means.

8709. Also, petition of citizens of Alma, Belding, Owosso, St. Johns, and Sheridan, Mich., urging the passage of House bill 7884, providing for the exemption of dogs for vivisection in the District of Columbia; to the Committee on the District of Columbia.

8710. By Mr. WELCH of California: Petition of citizens of the fifth congressional district, San Francisco, Calif., urging the enactment of House bill 7884; to the Committee on the District of Columbia.

8711. By Mr. WYANT: Petition of 121 members of Holy Family Branch, No. 854, Ladies' Catholic Benevolent Association, protesting against Senate Joint Resolution No. 52; to the Committee on the Judiciary.

8712. Also, petition of Irwin Ministerial Association, Irwin, Pa., urging support of Sparks-Capper amendment to Constitution, eliminating approximately 7,500,000 unnaturalized aliens in new congressional apportionment; to the Committee on the Judiciary.

8713. By Mr. YATES: Petition of Adolph Pfund, National Retail Lumber Dealers' Association, Chicago, Ill., urging the passage of Senate bill 5370; to the Committee on Ways and Means.

8714. Also, petition of W. P. Cronnell, 103 South Mason Avenue, Chicago, Ill., urging the passage of House bill 10821, relative to vocational education; to the Committee on Education.

8715. Also, petition of W. F. Hanselman, 416 Sunnyside Avenue, Elmhurst, Ill., requesting the passage of Reed-Capper educational bill; to the Committee on Education.

SENATE

TUESDAY, JANUARY 20, 1931

(Legislative day of Monday, January 5, 1931)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Sheppard
Barkley	Frazier	La Follette	Shipstead
Bingham	George	McGill	Shortridge
Black	Gillett	McKellar	Smith
Blaine	Glass	McMaster	Smoot
Borah	Glenn	McNary	Steiwer
Bratton	Goff	Metcalf	Stephens
Brock	Goldsborough	Morrison	Swanson
Brookhart	Gould	Morrow	Thomas, Idaho
Broussard	Hale	Moses	Thomas, Okla.
Bulkeley	Harris	Norbeck	Townsend
Capper	Harrison	Norris	Trammell
Caraway	Hatfield	Nye	Tydings
Connally	Hawes	Oddie	Vandenberg
Copeland	Hayden	Partridge	Wagner
Couzens	Hebert	Patterson	Walcott
Cutting	Heflin	Phipps	Walsh, Mass.
Dale	Howell	Pine	Walsh, Mont.
Davis	Jones	Pittman	Watson
Deneen	Kean	Reed	Wheeler
Dill	Kendrick	Robinson, Ark.	Williamson
Fess	Keyes	Schall	

Mr. BROUSSARD. I wish to announce that my colleague the senior Senator from Louisiana [Mr. RANDELL] is necessarily detained from the Senate by illness.

Mr. WATSON. My colleague the junior Senator from Indiana [Mr. ROBINSON] is necessarily detained on account of illness in his family. I ask that this announcement may stand for the day.

Mr. FESS. I was requested to announce that the Senator from Colorado [Mr. WATERMAN] is detained in the Committee on Claims.

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, there is a quorum present.

AMENDMENT OF THE PUBLIC BUILDINGS ACT

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a proposed draft of legislation to amend and repeal certain provisions of the act of May 25, 1926, as amended, known as the public buildings act, which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. THOMAS] is entitled to the floor.

Mr. THOMAS of Oklahoma. I yield until the preliminary morning business shall have been completed. I should like then to be recognized.

PETITIONS

Mr. BROOKHART presented a petition of sundry citizens of Burlington, Iowa, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens, being World War veterans and members of the Iowa Soldiers' Home, praying for the passage of the so-called Patman bill, providing for the immediate payment of adjusted-service certificates of ex-service men, which was referred to the Committee on Finance.

Mr. COPELAND presented petitions numerous signed by sundry citizens of Long Island, in the State of New York, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

COMMUNIST ACTIVITIES IN AMERICA

Mr. COPELAND presented a resolution adopted by East End Council, No. 101, Junior Order United American Mechanics, of Brooklyn, N. Y., which was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

EAST END COUNCIL, No. 101,
JUNIOR ORDER UNITED AMERICAN MECHANICS.
Brooklyn, N. Y., January 19, 1931.

HON. ROYAL S. COPELAND,
Senate Building, Washington, D. C.

HONORABLE SIR: Whereas we have learned from reliable sources that there exists within our country an organized movement generally known as communists; and

Whereas the said communists advocate among their principles and aims the hatred of God and all forms of religion and the destruction of all forms of representative and democratic governments, including civil liberties, and as the final objective world revolution and the dictatorship of the so-called proletariat into one union of the socialist republics with the capital at Moscow; and

Whereas we are an organization composed of native-born, God-fearing Americans, born with the spirit of the fathers of our country and pledged to support its Constitution, defend its flag, and uphold our free public-school system, and defend our country against its enemies; and

Whereas we believe the communistic activities are un-American and contrary to good government and that the further activities and growth of this movement are a detriment to peace in our industries and the safety of the general public: Therefore be it

Resolved by East End Council, No. 101, Junior Order United American Mechanics, in their regular meeting January 12, 1931, That we urge and petition President Hoover, the Secretary of Labor, and the Congress of the United States to take the necessary action to curb the communist activities and teachings that are opposed to our flag, Constitution, and institutions.

Respectfully submitted.

FRANK N. LORD, Councilor.

Attest:

ROBERT ELLIOTT, Jr.,
Recording Secretary.

REPORTS OF COMMITTEES

Mr. SMITH. From the Committee on Agriculture and Forestry I report back favorably without amendment the joint resolution (S. J. Res. 234) making applicable for the year 1931 the provisions of the act of Congress approved

March 3, 1930, for relief to farmers in the flood and/or drought stricken areas. I want to state that on to-morrow I will submit a report (No. 1323) to accompany the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be placed on the calendar, and the report will be printed and filed when received.

Mr. JONES, from the Committee on Appropriations, to which was referred the bill (H. R. 15592) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1931, and for other purposes, reported it with amendments and submitted a report (No. 1324) thereon.

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the bill (H. R. 14255) to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain, reported it without amendment and submitted a report (No. 1325) thereon.

Mr. FLETCHER, from the Committee on Banking and Currency, to which was referred the bill (H. R. 12063) to amend section 16 of the Federal farm loan act, reported it with amendments and submitted a report (No. 1326) thereon.

Mr. NORBECK, from the Committee on the Library, to which was referred the bill (H. R. 5271) authorizing the Secretary of the Interior to acquire land and erect a monument at the site near Crookston, in Polk County, Minn., to commemorate the signing of a treaty on October 2, 1863, between the United States of America and the Chippewa Indians, reported it without amendment and submitted a report (No. 1327) thereon.

Mr. BINGHAM, from the Committee on Territories and Insular Affairs, to which was referred the bill (S. 5621) to provide a government for American Samoa, reported it without amendment and submitted a report (No. 1328) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FESS:

A bill (S. 5782) to extend the times for commencing and completing the construction of a bridge across the Maumee River, at or near its mouth, in Lucas County, Ohio (with accompanying papers); to the Committee on Commerce.

By Mr. WALSH of Montana:

A bill (S. 5783) to amend the act approved March 2, 1929, entitled "An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes"; to the Committee on Irrigation and Reclamation.

By Mr. KENDRICK:

A bill (S. 5784) granting a pension to Jim Bailey (with accompanying papers); to the Committee on Pensions.

By Mr. BROCK:

A bill (S. 5785) for the relief of Milton Lockhart;
A bill (S. 5786) for the relief of Joseph C. Looney; and
A bill (S. 5787) for the relief of J. Walter Smith; to the Committee on Military Affairs.

By Mr. WAGNER:

A bill (S. 5788) for the relief of Francis Stephen Smith; to the Committee on Naval Affairs.

By Mr. KEAN:

A bill (S. 5789) for the relief of the United States Hammered Piston Ring Co.; to the Committee on Claims.

By Mr. DALE:

A bill (S. 5790) granting an increase of pension to Nellie Muzzey (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 5791) granting a pension to Mary K. Taylor (with accompanying papers); to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 5792) granting an increase of pension to William Hibbard; to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 5793) granting a pension to John Mohrherr; to the Committee on Pensions.

By Mr. REED:

A bill (S. 5794) to amend the act entitled "An act making eligible for retirement under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War"; to the Committee on Military Affairs.

AMENDMENT OF THE COPYRIGHT ACTS

Mr. SMOOT submitted an amendment intended to be proposed by him to the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the convention of Berne for the protection of literary and artistic works, which was referred to the Committee on Patents and ordered to be printed.

INVESTIGATION OF SENATORIAL CAMPAIGN EXPENDITURES

Mr. NORRIS. Mr. President, I submitted a Senate resolution several days ago proposing to amend Senate Resolution 215, by which a committee was appointed to investigate campaign expenditures. The resolution has gone over under the rule. I understand that we are to have an adjournment this evening and that it will automatically come up tomorrow. I desire to modify my resolution somewhat, and I therefore ask—I presume I have the privilege without asking—to submit a modified form of that resolution for printing, so that Senators may have it on their desks tomorrow when it shall come up.

The PRESIDENT pro tempore. The Senator from Nebraska may not modify the resolution while it is not before the Senate, but, by unanimous consent, the request which the Senator makes will be granted.

Mr. ROBINSON of Arkansas. I suggest that the resolution be read.

Mr. NORRIS. Does the Senator desire it read as modified?

Mr. ROBINSON of Arkansas. Yes.

Mr. NORRIS. I have no objection to that. I shall be glad to have the clerk read it.

The PRESIDENT pro tempore. The clerk will read the resolution as modified.

The Chief Clerk read the resolution (S. Res. 406) as modified, as follows:

Resolved, That the special committee of the Senate to investigate campaign expenditures, created under authority of S. Res. 215, adopted April 10, 1930, is hereby further authorized and empowered, in the furtherance of the duties provided for in said S. Res. 215, to take possession of ballots and ballot boxes, including poll lists, tabulation sheets, or any other records contained within said boxes, and to impound the same for examination and consideration by said committee or any other committee of the Senate which has jurisdiction of the subject matter of any contest for a seat in the Senate.

The PRESIDENT pro tempore. The resolution will be printed and lie on the table.

THE WORLD'S RADIO BILL

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Martin Codel, entitled "The World's Radio Bill; Who Foots It, and How." The article contains some very interesting statistics as to the manner in which radio is handled in other countries and how it is paid for.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WORLD'S RADIO BILL; WHO FOOTS IT, AND HOW

By Martin Codel

WASHINGTON, January 17.—All factors considered, it cost the broadcasters \$2.96 per set per year to furnish you with radio programs. It costs you \$27.84 per year to operate your radio-receiving set.

These averages are struck by Lawrence D. Batson, of the electrical engineering division of the United States Department of Commerce, in his Review of 1930 Radio Markets of the World just

off the Government presses. The figures are based on world broadcasting and reception, which Mr. Batson finds represent an expense of nearly \$750,000,000 annually.

Scarcely a corner of the world is out of reach of one or another of the 1,250 broadcasting stations of the world, of which nearly half are in the United States, according to Mr. Batson's review. Yet there are only about 24,000,000 broadcast receivers of all kinds and types in use all over the world. They represent, he says, an investment of about \$1,500,000,000. The investment in the broadcasting stations of the world aggregates nearly \$29,000,000, and the annual cost of broadcasting is given as nearly \$72,000,000.

It would take 380,000,000 sets to equip all the homes in the world that are within constant-listening range of broadcasting stations, Mr. Batson estimates. Concerned largely with potential foreign markets for radio equipment, the Batson report is also a comprehensive summary of the economics of world radio and of radio conditions prevailing in foreign countries. Though it abounds in statistics and is intended primarily as a handbook for exporters, it contains many facts and conclusions of interest to the layman.

For example, Mr. Batson observes that in some foreign countries "there is a definite indication of a trend toward the adoption of the American sponsored program system." In other words, the tendency abroad seems to be toward having advertisers foot the radio bill, as they do in the United States and a few other countries.

To date, however, the system of government taxes on receiving sets prevails in all but a few countries like the United States, Mexico, Cuba, Argentina, Chile, Paraguay, Holland, Portugal, Persia, and a handful of other less important countries. In these countries the listeners pay only for their receiving sets and programs cost them nothing, though in a few countries, like Mexico and Holland, receiving sets must be registered with the government.

How is broadcasting supported in other countries? Who does the broadcasting, and who pays the bills? License fees are imposed on each and every receiving set in use, and the revenues are largely devoted to the support of state broadcasting monopolies. In a few cases there are broadcasting concessions to private enterprise, often monopolies which get a share of such revenues. The average license fees, Mr. Batson finds, run between \$3 and \$4 a year.

The Batson report gives the latest and most complete data concerning the status of foreign broadcasting. License fees or broadcasting subscriptions, it shows, vary from 39 cents per set per annum in France to \$44 in Turkey. The annual fees charged in other important foreign countries are: Canada, \$1; Bolivia, \$12.28; Brazil, \$2.40 (installation only); Peru, \$4; Venezuela, \$11.58; Austria, \$3.39 to \$10.16 (depending on owner's income); Bulgaria, \$1.44; Czechoslovakia, \$3.60; Denmark, \$2.68; Estonia, \$2.40 to \$4 (depending upon number of tubes); Finland, \$2; Germany, \$5.71; Greece, \$6.50; Hungary, \$5.40; Irish Free State, \$2.43; Italy, \$3.95; Latvia, \$4.83; Lithuania, \$10; Poland, \$3.36; Rumania, \$3.60; Spain, 97 cents; Sweden, \$2.68 (installation fee, \$10.72); Switzerland, \$3 (installation fee, 60 cents); United Kingdom, \$2.43; Yugoslavia, \$3.96; India, \$3.65; Japan, \$5.98; Australia, \$4.25 to \$5.84 (depending upon distance from main station); New Zealand, \$7.29; Union of South Africa, \$4.87 to \$8.52 (depending on distance from main station).

METROPOLITAN LIFE INSURANCE CO.'S SURVEY OF UNEMPLOYMENT

Mr. LA FOLLETTE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Wisconsin?

Mr. THOMAS of Oklahoma. I yield.

Mr. LA FOLLETTE. I submit a resolution and ask that it may be read, and I further ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 409), as follows:

Resolved, That the President's Employment Commission is hereby requested to furnish the Senate a copy of the Metropolitan Life Insurance Co.'s report or reports, together with all accompanying data, on the unemployment and part-time employment survey made by the said company at the suggestion of the said commission.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent for the present consideration of the resolution.

Mr. McNARY. Mr. President, agreeably to the promise I made to the Senator from Nebraska [Mr. NORRIS] last evening that I would move, at the conclusion of the Senate's business to-day, that it adjourn until to-morrow, so that a morning hour may be had to-morrow morning, I must object to the present consideration of the resolution.

Mr. LA FOLLETTE. I ask that the resolution go over under the rule.

The PRESIDENT pro tempore. The resolution will go over under the rule.

A VOTING BASIS OF REPRESENTATION

Mr. VANDENBERG. Mr. President, some time ago I asked the Census Bureau to prepare a table showing an apportionment of Representatives in Congress based upon voters rather than people. The study is interesting in view of the movement to emphasize citizenship by the exclusion of aliens from the apportionment count. Of course, the best method of emphasizing and recognizing citizenship would be to exclude all but voters from the count. Either change would require a constitutional amendment. I have been asked many times for these figures showing what would happen to the geographical and political complexion of Congress if we were to change the base and count voters only. I ask unanimous consent that the table prepared by the Census Bureau at my request may be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, and it is as follows:

Apportionment as based on population and on popular vote for President

State	Popular vote for President, 1928	Apportionment			
		Based on population	Based on popular vote for President		
			Total	As compared with apportionment on population basis	
				Gain	Loss
Continental United States.....	36,879,414	435	435	65	65
New England.....	2,967,751	29	36	7	
Maine.....	262,171	3	3		
New Hampshire.....	196,747	2	2		
Vermont.....	135,191	1	2	1	
Massachusetts.....	1,577,827	15	19	4	
Rhode Island.....	242,784	2	3	1	
Connecticut.....	553,031	6	7	1	
Middle Atlantic.....	9,166,968	93	108	15	
New York.....	4,466,072	45	53	8	
New Jersey.....	1,549,381	14	18	4	
Pennsylvania.....	3,150,615	34	37	3	
East North Central.....	9,426,103	90	111	22	1
Ohio.....	2,508,346	24	29	5	
Indiana.....	1,421,314	12	17	5	
Illinois.....	3,107,489	27	37	10	
Michigan.....	1,372,082	17	16		1
Wisconsin.....	1,016,872	10	12	2	
West North Central.....	5,243,129	47	61	14	
Minnesota.....	970,976	9	11	2	
Iowa.....	1,009,362	9	12	3	
Missouri.....	1,500,721	13	18	5	
North Dakota.....	239,867	2	3	1	
South Dakota.....	261,865	2	3	1	
Nebraska.....	547,138	5	6	1	
Kansas.....	713,200	7	8	1	
South Atlantic.....	2,769,857	54	33	2	23
Delaware.....	105,891	1	1		
Maryland.....	528,348	6	6		
Virginia.....	305,358	9	4		5
West Virginia.....	642,752	6	8	2	
North Carolina.....	636,070	11	7		4
South Carolina.....	68,605	6	1		5
Georgia.....	229,159	10	3		7
Florida.....	253,674	5	3		2
East South Central.....	1,704,751	34	20	2	16
Kentucky.....	940,604	9	11	2	
Tennessee.....	363,473	9	4		5
Alabama.....	248,082	9	3		6
Mississippi.....	151,692	7	2		5
West South Central.....	1,740,952	45	20		25
Arkansas.....	197,693	7	2		5
Louisiana.....	215,833	8	3		5
Oklahoma.....	618,427	9	7		2
Texas.....	708,999	21	8		13
Mountain.....	1,243,365	14	15	1	
Montana.....	194,108	2	2		
Idaho.....	154,230	2	2		
Wyoming.....	84,496	1	1		

Apportionment as based on population and on popular vote for President—Continued

State	Popular vote for President, 1928	Based on population	Apportionment		
			Total	Based on popular vote for President	
				Gain	Loss
Mountain—Continued.					
Colorado.....	392,242	4	5	1	
New Mexico.....	118,014	1	1		
Arizona.....	91,254	1	1		
Utah.....	176,604	2	2		
Nevada.....	32,417	1	1		
Pacific.....	2,617,433	29	31	2	
Washington.....	500,840	6	6		
Oregon.....	319,942	3	4	1	
California.....	1,796,656	20	21	1	

INTERIOR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 14675) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes.

Mr. THOMAS of Oklahoma. Mr. President, the Indians of the United States are citizens of the United States. I hold that it is just as important to protect an Indian citizen as it is to protect a white citizen. In addition to being citizens of the United States the Indians are the wards of the Government. Hence I hold that it is more important for the Government to protect the Indian citizens than it is to protect the white citizens.

Mr. President, the time I have consumed and shall consume upon this floor is not for the purpose of retarding the public business of the Congress or of the Senate; but, having failed to secure consideration where consideration should have been accorded, there was no alternative except to use this time to bring before the Senate and the country, if possible, the conditions as they exist throughout the country respecting these Indian wards of the Government.

The particular amendment has to do with only three tribes among the hundreds of our Indian tribes; it has to do only with 4,000 of these Indians of the 300,000 Indian citizens of the Nation; but the tribes for whom I speak are landless people; they are a propertyless people; they are a moneyless people; and, as I showed on a former occasion, many of these Indians are sick; many of them to-day are in the hospital; many of them are crippled; many of them are blind; many of them are feeble-minded; and some of them at least are actually insane.

These Indians are not the wards of my State; they are the wards of the Nation. They are not my wards; they are your wards, Mr. President, and the wards of each Member occupying a seat upon this floor. They are the descendants of the men and women who used to own the land that you now own. Our constituents throughout all the States now own the property once owned by the ancestors of the few Indian tribes left in this Republic.

The amount of money involved in this amendment does not appear to be much; it is only \$51,000; but, divided among these 4,000 Indians, it amounts to \$12.50 per capita, and, Mr. President, in some sections of the country to-day \$12.50 is no inconsiderable item. Measured by the standard of the Red Cross, \$12.50 per Indian, on the basis of 1 cent per meal, would keep each Indian among these tribes for more than 12 months.

To-day down in my section of the State of Oklahoma I hope it is as bright and sunny as it is here. It may not be now, though it usually is. At this moment this reservation may be covered with snow; it may be covered with ice; there may be a northern gale blowing across it. These Indian citizens may not have fuel; they may not have food; they may not have clothing; and the sum covered by this amend-

ment, while amounting to but \$12.50 per capita, might bring warmth and food to hundreds of these helpless people of a helpless race.

I have a telegram this morning from the superintendent of that reservation. He gives me the names of the Indians that I mentioned on yesterday—the names of the Indians blind, the names of the Indians insane, the names of the Indians crippled—and ends his message by stating that the number unallotted is approximately 2,150.

That means that of the 4,000 Indians more than 50 per cent have no land. They have no property. They have no money save the remnants of their trust fund, now dwindled to the small sum of \$237,000. Yet this great Government, the Secretary of the Interior, the Commissioner of Indian Affairs, the great Committees on Appropriations of the House and Senate, have brought out here, and are standing for, a bill proposing to take of this sum—only \$58 per capita among those Indians—25 per cent of each individual's money to maintain a general Indian agency which not only supervises these Indians but supervises some seven or eight other tribes; to maintain a general hospital which not only takes care of these particular Indians but likewise takes care of the Indians of 14 other tribes, as per the report submitted on yesterday. It is that to which I object.

Some one might ask, "Why not force these Indians to go out to work?"

In the first place, the ones I have mentioned are not able to work—the blind, the insane, the feeble-minded, and the crippled. They can not work. Many of these Indians are minor children. They should be in school. They could not work; and the older Indians could not work at any job that they might find now, because no jobs exist. Not only have jobs ceased to exist for the Indians, but likewise jobs have ceased to exist for many of our other American citizens. Able-bodied men and women, skilled in their profession or craft or vocation, are now walking the streets and highways and byways looking for jobs, and there are no jobs.

Mr. President, even if these elderly Indians could work, there are no jobs for them. They have not been educated to work. In former days they did perform a sort of work. They killed the game for their food. They tanned the skins for their clothing. They made their bows and arrows. They made their scalping knives. They grew some corn and made meal; and the women among the tribes assisted in the work, and made pottery and baskets. It is unthinkable, it is irrational to expect these elderly Indians to take their place and make their way in the advanced civilization of to-day. It would be just as reasonable to expect men of this body, if captured by a superior race, to enter into competition with that superior race.

Reverse the picture, Mr. President. Assume for the moment that the Indians should have captured America, that they should do it yet, and we should become in the future a dwindling and disappearing race, and those left among us were being forced to work at the trades prescribed by the red man. We would then have to go to tanning skins for our clothing. We would have to wear the clothing that they wear. We would have to perform the work that they perform. I think I could imagine now seeing some of the dignified Members of the Senate wearing the clothing of the red man. For example, down in the Seminole Nation in Florida you can not tell a man from a woman by his attire. The men wear dresses, exactly like the women. I can imagine now seeing some of the dignified Members here, even the chairman and subchairman of the great Appropriations Committee, attired in the garments of the Seminoles of Florida, working at the tasks at which the Seminoles work, making pottery and making baskets. It is just as reasonable to portray that picture for our white people as it is to insist that these old Indians, now in the last days of their existence, should try to find a place in the modern civilization of to-day.

Some one might say, "Why not permit this matter to come to a vote?" Mr. President, for years we have appealed to the department for relief; we have appealed to the committee for relief; and now, for two days, I have appealed

to the chairman of this subcommittee for relief. He is not convinced; and if he is not convinced of the justice of their cause what right have I to assume that the other Members of the Senate, now somewhere else than in their seats, are convinced? I have no alternative excepting to give, as best I can, the conditions of these defenseless and helpless people in an effort to reach the committee, in an effort to reach the Indian Bureau, and, failing there, in an effort to reach the people of America.

I can not believe that the public conscience of this Republic would for one moment sustain the position now being urged by the chairman of the subcommittee, taking 25 per cent of all the property these Indians have to sustain a general agency and a general hospital serving other Indians than those taxed under the provisions of this bill.

Mr. President, I assert here and now that the policy that has been pursued by the Government in relation to our Indian people constitutes the blackest spot in human history. I have thought we were making some progress; but here, in the most extreme example, we find the chairman of this great committee saying that he speaks for the committee, insisting that again these defenseless people suffer an injustice.

Mr. President, the wild animals found in America have fared better than have fared these Indian tribes. For example, take the buffalo. The buffalo and the Indians roamed together in the early days. Before the buffalo became extinct the remnants of the buffalo were corralled and placed in great reservations, where now they have every care of a most generous and beneficent Government. They are cared for in summer and they are cared for in winter. They have ample food. Not so much can be said for the Indians of this Nation. The same thing is true with respect to the elk of the Nation. They likewise are having the care of this Government; but these Indians, so far as the practical operation is concerned, are set adrift, and are now almost gone.

Mr. President, I wish to call attention briefly to the condition of some of the other Indian tribes and the national policy toward these tribes.

Years ago the Indians controlled and roamed over the entire United States. The white people first attached themselves to the eastern shore. As the white people needed the land the Indians were driven west, west, and farther west. Later they were forced on to reservations. Later the reservations were subdivided and the Indians were required to accept smaller reservations. Later still the Indians were forced upon allotments of 160 acres, and later the allotments were permitted to be sold, and sometimes the patents were forced upon the Indians, and the record is that when an Indian receives his patent the land covered by the patent is soon gone.

Where Indians were allotted, where oil and gas were discovered and vast sums of money accumulated, it has been the policy of the Government not only to spend the money but to permit the Indians to spend the money. In this case this particular money is the result of gas and oil royalties, and without the consent of the Indians, without the knowledge of the Indians, the Government took the money of these Indians, secured through their own efforts, upon their own land, and before they knew it had spent a million dollars of their private trust funds for the support of an agency and a hospital that serve other Indians besides the Indians taxed to support them.

Mr. President, let me call attention briefly to the condition of the Cherokees in North Carolina.

At one time the Cherokee Tribe of Indians owned much of the country now known as North and South Carolina. Years ago it was the desire of the Government to remove the Cherokees to the west, to place them in exile. The Cherokees did not desire to leave the land of their fathers, the hills and timber of that beautiful country. The Government sent soldiers to North Carolina, captured the Indians, put them in stockades, and as often as a suitable number could be secured these captured Indians, surrounded by soldiers, were forced to enter upon their western trail.

They were driven across the Mississippi to a territory called the Indian Territory. That, then, was the Indian Siberia. It was thought at that time, the Government having exiled these Indians, that they would not be heard of any more, and in time they would dwindle away and cease to exist.

When the Government was trying to corral these Indians in North Carolina, however, some of the Indians did not desire to be moved or to be exiled. They hid in the hills of North Carolina, and after those that could be captured were captured and sent away the remnants of the Cherokee Tribe came back together. At a later date the Government saw fit to give them a small reservation in North Carolina. It went down to the mountains of that State and procured 50,000 acres of the poorest land in the State—land standing on edge, practically mountains entire, here and there a little bottom land, here and there some timber—and on this reservation of 50,000 acres we now find 3,000 Cherokee Indians in North Carolina.

If the land were level, Mr. President, 50,000 acres would be only 16 acres per Indian of the Cherokees left in North Carolina. If they were allotted to-day, that would be their total landed estate—16 acres per capita. As it is, however, many of these acres are wholly worthless; and of the entire 50,000 acres there are but few acres on the reservation susceptible of growing even the meager crops that the Indians can produce. Yet these Indians are forced to live on this small reservation. The timber on the reservation is now being depleted, not by the Indians but by the adjacent white settlers. The white men living close to the reservation enter upon these lands, cut the timber, and remove it without payment to the Indian tribes.

There is a concrete example of the supervision of the United States over the remnant of one of the bands of these Indians.

Let me next call attention to the condition of the Seminoles in Florida.

The Seminoles in Florida number something like 500. They live in three bands in Florida. They live there, brothers to the crocodile, in the Everglades. They have the same attention from the State and from the Nation that the crocodiles and alligators have. The treatment of the United States Government toward the Seminoles of Florida has been such that any time you raise a flag in Florida, no Seminole Indian will stay in that immediate vicinity. The treatment of the Government toward the Indians in Florida has been such that these Indians have an aversion for the Government. We can not now send a governmental agent to interview them, to confer with them, because when they have notice that some one representing the Government is coming to see them, they move from their homes and hide out in the Everglades and in the thickets of Florida. They refuse to treat with the white man. They refuse to stay where the flag floats. I wonder why. It is because of the treatment this Nation has accorded the Seminoles of that area.

Down in the suburbs of Miami, Fla., there is a show place. In that show place there can be found, or at least there could have been found a year ago, remnants of the Seminoles of Florida on exhibition. In the same inclosure with those remnants of the Seminole bands would be found and on display the alligators of Florida. They are regarded as curiosities by the tourists who go to that section of the country. When a subcommittee of the Committee on Indian Affairs of the Senate was at that point a year ago, we visited this show place. There we saw on display the Seminoles, and there we saw on display the alligators. They live together. They are shown together.

We saw in this show place in Florida last year a descendant of Osceola, a youth of something like 22 or 23 years of age, a fine, upstanding boy, bright and alert. The only way that boy had to make a living was to enter the pen or den of the alligators and wrestle with them, trying to make a living in that manner. This descendant of Osceola on one occasion suffered an accident; an alligator removed his arm. We see that boy to-day still on exhibition, maimed, one arm gone as a result of the policy of the United States forcing these Indians to make a living as best they can.

Who was Osceola? Who was the forefather of this young boy we saw there a year ago? He was perhaps one of the greatest Indians this Nation has produced. He was a leader of the Seminole Band years ago. He was such a leader that the resources of our Nation were unable to capture him, and one day, under a flag of truce, Osceola consented to treat with the Government, and, while protected by a flag of truce conferring with the general, he was surrounded by the soldiers of our Nation, placed in irons, and thrown into prison.

He was kept in prison for about a year and, like all Indians, unable to stand confinement, in a year's time Osceola was practically dead. He knew he was dying. A few days ago, December 31, the Washington Times contained an account of his death. I think this should be given a place in the CONGRESSIONAL RECORD. I read from the Washington Times of the given date:

[From the Washington Times, Wednesday, December 31, 1930]

DEATH OF OSCEOLA

Finally, on the morning of the 20th of January, 1838, in the thirty-fourth year of his age, surrounded by his wives and children, by his brother chiefs, and the officers of the garrison, Osceola, the Rising Sun—he who had been the very life spirit of the Seminole war for home and country, passed peacefully away, his head resting in the lap of one of his devoted wives.

When Osceola realized that he would not recover and that death was near he had requested Doctor Weedon to give Mr. Catlin—whom he, in common with nearly all Indians, knew to be his friend—an account of his last moments, which request was complied with, as follows:

"About half an hour before he died he seemed to be sensible that he was dying; and, although he could not speak, he signified by signs that he wished me (Doctor Weedon) to send for the chiefs and for the officers of the post, whom I called in. He made signs to his wives (of whom he had two, and also two fine little children) by his side to go and bring his full dress which he wore in time of war; which, having been brought in, he rose up in his bed, which was on the floor, and put on his shirt, his leggings, and his moccasins, girded on his war belt, bullet pouch, and powderhorn, and laid his knife by the side of him on the floor.

"He then called for his red paint and looking-glass, which latter was held before him, when he deliberately painted one-half of his face, his neck, and his throat with vermillion, a custom practiced when the irrevocable oath of war and destruction is taken. His knife he then placed in its sheath under his belt, and he carefully arranged his turban on his head and his three ostrich plumes that he was in the habit of wearing in it.

"Being thus prepared in full dress, he lay down a few moments to recover strength sufficient, when he rose up as before, and with most benignant and pleasing smiles, extended his hand to me and to all of the officers and chiefs that were around him, and shook hands with us all in dead silence, and with his wives and little children.

"He made a signal for them to lower him down upon his bed, which was done, and he then slowly drew from his war belt his scalping knife, which he firmly grasped in his right hand, laying it across the other on his breast, and in a moment smiled away his last breath without a struggle or a groan." (A footnote in Catlin's Eight Years, etc.)

Mr. President, let me call attention next to the condition of the Catawbas in South Carolina. A subcommittee of the Indian Affairs Committee last year visited what is left of this tribe of Indians. In order that the account which I may give may not appear to be prejudiced, I desire to read what a local paper stated about the condition of those people. I read from the Charlotte (N. C.) Observer of Sunday, April 13, 1930, an article entitled "The Catawbas," as follows:

THE CATAWBAS

Nine miles from Rock Hill, in South Carolina, is the land of the Catawbas. It is a desolate land. On it there are no forests and hardly any trees. The terrain is hilly and rocky and too poor to sustain human life. The best white farmers in the Carolinas would starve to death thereon. The remnant of the Catawba Indians is facing virtual starvation. There are no more pitiful people on the face of the earth than these Indians, who are now holding out appealing hands to the Great White Father in Washington to come to their relief.

This proud and valiant race has been always the consistent friend of the white man. In the early days they interposed their power between the settlements in South Carolina and the fierce Cherokees to the west. The Catawbas have taken part in every war in which the United States has engaged. They fought for the Confederacy in the War between the States. A number of their young men volunteered for service in the World War, and at least one of them was sent overseas. At Fort Mill there stands a monument

to the valor of the red men who followed the fortunes of Lee and Jackson.

The Catawbas are a vanishing tribe of a vanishing race. There are now only 172 individuals on their reservation. There are only 6 full-bloods of this once virile people in the world to-day. These are old men and women who can no longer hope for a perpetuation of their race. The journey of the Catawbas into the land of the to-morrows is inevitable. It is a pity. Of all the Indians on the American Continent these have been the most faithful in their allegiance to their white neighbors.

The subcommittee of the Committee on Indian Affairs made a visit to this reservation. I now read an account of the visit of the subcommittee:

The committee went out to the reservation, where a hearing was held at the schoolhouse for the Indians and a few white friends who spoke in their behalf. Afterwards they visited the homes of some of the tribesmen, where they saw for themselves where real poverty and distress exists. They found, for instance, three families of eight people living in a 1-room shack, with uncalled walls and roof, and with the sky visible through cracks in the walls and roof. These eight people were obliged to sleep on two beds and a nondescript frame structure which takes the place of a bed. They have no garden, no poultry, no hogs, no cattle, no fruit trees. There was nothing but abject squalor and poverty.

In another house of two rooms was found a family of eight living under similar environment. At this second home the family were at supper when the committee arrived. There was one loaf of corn bread on the table. The meal had been mixed with no other seasoning than salt and water. There was no meat, no eggs, no vegetables, no butter, no sirup, no fruit. The committee was told that the family had no money with which to buy these things.

Mr. President, the history of these people is most remarkable. They have always favored the white race. They have fought against the Cherokees, and even among themselves, for the white man. They have suffered many hardships and have even given up their possessions to the white man. There are at this time 38 families on the reservation—41 men, 38 women, and 93 children; 172 in all. There are only a dozen houses fit to live in. There is a schoolhouse on the reservation, which is supported by the State in the amount of \$1,500 annually. In this school there are two teachers. There are 43 pupils enrolled, with an average attendance of 34.

Mr. President, these Indians have accepted the L. D. S.—Mormon—religion. A temple on the reservation was built by the Mormon Church, and all services are well attended. So far as the committee could see, these Indians have but one friend left in the world, and that is the Mormon Church.

Years ago a distinguished member of that tribe appeared before the South Carolina Legislature and made an appeal on behalf of his people. While that appeal was delivered years ago before the South Carolina Legislature, the appeal could now be made to the Senate of the United States. I read one paragraph from the appeal, delivered by Peter Harris, a Catawba:

I am one of the lingering survivors of an almost extinguished race. Our graves will soon be our habitations. I am one of the few stalks that still remain in the field after the tempest of the Revolution is passed. I fought the British for your sake. The British have disappeared, nor have I gained by their defeat. I pursued the deer for a subsistence; the deer are disappearing, and I must starve. God ordained me for the forest, and my ambition is for the shade. But the strength of my arm decays, and my feet fail me in the chase. The hand which fought the British for your liberties is now open for your relief. In my youth I bled in battle that you might be independent. Let not my heart in my old age bleed for the want of your commiseration.

Mr. President, at this particular point I desire to call attention to one other phase of this Indian problem. The Indians have been accused of being a barbarous people. Let me give a picture of the genius of the Indians.

They were never the cruel savages as portrayed in history. They opposed the intrusion of the invader, just as we oppose such to-day. They did not fight and kill because they enjoyed the gruesome activity. They fought as best they could to protect their lands, their homes, and their families. Even after a fight it was their custom to send delegations to condole with their friends when misfortune befell them.

In the early days, when the Modocs and the French were contesting for the territory now embraced in the State of New York, on one occasion the French descended on a Modoc camp in the vicinity of Schenectady, murdered 63

innocent Indians in cold blood, and carried 27 away as prisoners. As the French were leaving the place the braves among the Modocs pursued the French, fell upon their rear, and killed and took 25 of them.

After this encounter, the French against the Modocs, and the Modocs against the French, the settlers in the vicinity of Albany became alarmed and threatened to move back to New York. The Modocs considered the few scattered settlers as their friends and sent a delegation to see them. The message delivered on that occasion deserves a place in history, and I now engrave it on the pages of the CONGRESSIONAL RECORD.

Speaking first to their brother tribesmen, the Modoc speaker said:

Brethren, the murder of our brethren at Schenectady by the French grieves us as much as if it had been done to ourselves, for we are in the same chain; and no doubt our brethren of New England will be likewise sadly affected with this cruel action of the French. The French on this occasion have not acted like brave men but like thieves and robbers. Be not, therefore, discouraged. We give this belt to wipe away your tears.

Brethren, we lament the death of so many of our brethren, whose blood has been shed at Schenectady. We don't think that what the French have done can be called a victory; it is only a further proof of their cruel deceit. The Governor of Canada sends to Onondaga and talks to us of peace with our whole house, but war was in his heart, as you now see by woeful experience. He did the same formerly at Cadarackui and in the Senekas' country. This is the third time he has acted so deceitfully. He has broken open our house at both ends, formerly in the Senekas' country and now here. We hope, however, to be revenged of them. One hundred of our bravest young men are in pursuit of them; they are brisk fellows, and they will follow the French to their doors. We will beset them so closely that not a man in Canada shall dare to step out of doors to cut a stick of wood; but now we gather up our dead to bury them by this second belt.

Brethren, we came from our castles with tears in our eyes to bemoan the bloodshed at Schenectady by the perfidious French. While we bury our dead murdered at Schenectady, we know not what may have befallen our own people that are in pursuit of the enemy; they may be dead; what has befallen you may happen to us; and therefore we come to bury our brethren at Schenectady with this third belt.

Great and sudden is the mischief, as if it had fallen from heaven upon us. Our forefathers taught us to go with all speed to bemoan and lament with our brethren when any disaster or misfortune happens to any in our chain. Take this bill of vigilance, that you may be more watchful for the future. We give our brethren eyewater to make them sharp-sighted, giving a fourth belt.

We are now come to the house where we usually renew the chain; but alas! we find the house polluted, polluted with blood. All the Five Nations have heard of this, and we are come to wipe away the blood and clean the house. We come to invite Corlear, and every one of you, and Quider [calling to every one of the principal men present by their names] to be revenged of the enemy, by this fifth belt.

Brethren, be not discouraged, we are strong enough. This is the beginning of your war, and the whole house have their eyes fixed upon you at this time to observe your behavior. They wait your motion, and are ready to join in any resolute measures.

Our chain is a strong chain, it is a silver chain, it can neither rust nor be broken. We, as to our parts, are resolute to continue the war.

We will never desist so long as a man of us remains. Take heart, do not pack up and go away; this will give heart to a dastardly enemy. We are of the race of the bear, and a bear, you know, never yields while one drop of blood is left. We must all be bears [giving a sixth belt].

Brethren, be patient, this disaster is an affliction which has fallen from heaven upon us. The sun, which hath been cloudy and sent this disaster, will shine again with its pleasant beams. Take courage [said he], courage [repeating the word several times as they gave a seventh belt].

Then turning to the English, who were about to remove from the vicinity, the orator said:

Brethren, three years ago we were engaged in a bloody war with the French, and you encouraged us to proceed in it. Our success answered our expectation; but we were not well begun when Corlear stopt us from going on. Had you permitted us to go on, the French would not now have been able to do the mischief they have done; we would have prevented their sowing, planting, or reaping.

We would have humbled them effectually, but now we die. The obstructions you then made now ruins us. Let us after this be steady, and take no such false measures for the future, but prosecute the war vigorously. [Gave a beaver skin.]

The brethren must keep good watch, and if the enemy come again send more speedily to us. Don't desert Schenectady. The enemy will glory in seeing it desolate. It will give them courage

that had none before; fortify the place, it is not well fortified now. The stockades are too short, the Indians can jump over them. [Gave a beaver skin.]

Brethren, the mischief done at Schenectady can not be helped now; but for the future, when the enemy appears anywhere, let nothing hinder your sending to us by expresses, and fire great guns that all may be alarmed. We advise you to bring all the river Indians under your subjection to live near Albany to be ready on all occasions.

Send to New England, tell them what has happened to you. They will undoubtedly awake and lend us their helping hand. It is their interest, as much as ours, to push the war to a speedy conclusion. Be not discouraged, the French are not so numerous as some people talk. If we but heartily unite to push on the war and mind our business the French will soon be subdued.

Brethren, we are glad to find you are not discouraged. The best and wisest men sometimes make mistakes. Let us now pursue the war vigorously. We have a hundred men out; they are good scouts. We expect to meet all the sachems of the other nations, as they come to condole with you. You need not fear our being ready at the first notice. Our ax is always in our hands, but take care that you be timely ready. Your ships, that must do the principal work, are long a fitting out. We do not design to go out with a small company or in sculking parties, but as soon as the nations can meet we shall be ready with our whole force. If you would bring this war to a happy issue you must begin soon, before the French can recover the losses they have received from us and get new vigor and life. Therefore send in all haste to New England. Neither you nor we can continue long in the condition we are now in. We must order matters so that the French be kept in continual fear and alarm at home, for this is the only way to be secure and in peace here.

Mr. President, sometimes there is complaint about the liberality of the Senate rules. I am not taking advantage of the Senate rules to help people who do not need help. On this occasion I am taking advantage of the Senate rules to help people who do need help, to help people who can not help themselves, to help people who, unless they are helped here, will receive no assistance. The policy of the Government has been and now is that when an Indian ceases to have property, ceases to have land, ceases to have money, he becomes unrestricted; he is turned loose, he is set adrift, thereafter to wander, to decay, and to die.

Mr. President, the motion which I have submitted may fail. It should not fail. I think no citizen of the United States who understands the matter in all its aspects would vote for its failure. I am at a loss to know how the great Senator from Utah, in charge of this bill, understanding as he must now understand the condition in which these people find themselves, can still insist that these defenseless people should submit themselves to be further robbed.

This is a concrete illustration of bureaucracy run mad. It is an illustration of the Congress enacting into law recommendations of a bureaucracy. It is a concrete illustration of the Congress enacting into law recommendations of clerks who know nothing of the conditions about which they recommend.

Mr. President, I am taking the opportunity to call the attention of the Senate and of the country to some of the policies that are now being pursued by the Indian Bureau. A subcommittee of the Committee on Indian Affairs visited many of these reservations in the past year and a half. The subcommittee has two or three reservations yet to visit and as soon as its work shall have been completed a report will be submitted. It might not now be amiss to take the time to call attention to some of the practices of the Indian Bureau which, in my judgment, the Congress will not support and which, in my judgment, the people of this Nation will not support when once they are acquainted with the facts.

The Government appropriates money to maintain the Indian Bureau. The Indian Bureau has many agencies throughout the country. These many agencies have many employees throughout the country. But the Indian Bureau here, the Indian agencies abroad, and the employees abroad, when it comes to taking care of Indians who need help, devote their time and attention to the Indians who are wealthy, and the wealthier the Indian the more attention he receives at the hands of the employees of the Indian Bureau.

At this time I desire to call the attention of the Senate, if I may, to the school situation. Approximately a quarter

of a century ago the Federal Government abolished the tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations.

At this particular time I would like to have the attention of the distinguished Senator in charge of the bill. I will ask the distinguished Senator from what fund is the agency paid which supervises the Five Civilized Tribes in Oklahoma?

Mr. SMOOT. If they have no fund deposited with the United States Government, it is paid out of the Treasury of the United States.

Mr. THOMAS of Oklahoma. Mr. President, I am advised that the agency supervising the affairs of the Five Civilized Tribes in Oklahoma is paid out of the Treasury of the Federal Government.

I will now ask the distinguished Senator from Utah, who has charge of the pending appropriation bill, why it is that his committee sees fit to pay the expenses of the agency supervising the affairs of the Five Civilized Tribes out of the Treasury of the Federal Government and at the same time sees fit to pay the agency supervising the affairs of these wild Indians of the West from their own funds?

Mr. SMOOT. Wherever there is a deposit with the Government of the funds of the Indians as a trust fund, the money has always been paid from that fund for supervising the affairs of that tribe of Indians. That is the question involved here. It is not a new question. The same practice has been followed, I can not tell for how many years, but ever since the Indians have had funds deposited with the Government of the United States, and it is followed in the case of other tribes of Indians affected by this bill that have funds deposited with the Government.

Mr. THOMAS of Oklahoma. Mr. President, I assert here now that each tribe making up the Five Civilized Tribes has trust funds and has had for years; yet, notwithstanding they have trust funds, the committee and the Indian Bureau have seen fit to pay their expenses from the Treasury, protecting their trust funds. Yet here is a wild, uncivilized band, only 30 years associated with the white man, who have \$237,000 left, \$58 per capita, and this great, beneficent Government has taken of their funds a million dollars to support this agency, without their knowledge and without their consent. Now, when their fund is about gone, the Senator in charge of the bill still insists that they shall be completely pauperized by taking additional funds from them.

Mr. SMOOT. The Senator in charge of the bill is following out the instructions received by the committee, and is adhering also to the action of the House of Representatives.

Mr. THOMAS of Oklahoma. Mr. President, I now ask unanimous consent that this bill may be recommitted to the Committee on Appropriations, so that the committee may pass upon this particular item.

Mr. SMOOT. Mr. President, I shall have to object to that.

Mr. THOMAS of Oklahoma. Mr. President, I started upon a discussion of the educational policy of the Indian Bureau. I am dealing now with the educational policy formulated and in force with regard to the Five Civilized Tribes, the tribes whose agency is supported by the Federal Government, notwithstanding the fact that each of those tribes has remnants of trust funds under the control of the United States Government.

These Indian nations at the time of relinquishing their governmental functions to the United States were giving special consideration to the education of the youth of their respective tribes. Their public-school system of education was complete and well organized; all books and school equipment were furnished to the children out of tribal funds without cost.

One of the requirements of the public-school system was that each school should reflect a specific number of children in attendance throughout the school year, otherwise the school, at the end of the school term, was closed and the teacher refused pay for having taught the school. Teachers were required to possess not only knowledge of books but ability to hold a school community intact and maintain regular attendance of the children of the community in

school. Under this system if a child was out of school one day, the following evening after school closed the teacher visited the home of the absent child to learn the reason of the child's absence. If through sickness, and the health of the child would permit at the time of the teacher's visit, the lessons which had been studied during the previous day were gone over with the child and lessons for the following day assigned. This procedure was followed day after day until the health of the child would admit of its return to school.

Indian children attended school regularly. Calling on the law-enforcement branches of these governments to run down and handcuff the children of the Indian was never thought of or heard of—such ideas or others closely akin to them—to get the Indian child in school and keep him there developed only when the Indian Bureau took charge.

The Five Tribes also provided higher educational opportunities for their young men and women through seminaries and academies, institutions equal to similar institutions throughout the States at the time.

The teaching staff in these schools were college men and women in many instances. Many people who talk about, have heard about, and may have read about the Indians of the Five Tribes of 50 and 60 years ago would be surprised, indeed, to learn that men who were directing the government of these tribal nations were graduates, in many instances, of leading colleges in the States of New Hampshire, Connecticut, Virginia, North Carolina, Missouri, Texas, and elsewhere. All over the State of Oklahoma to-day, and in other sections of the country, are men and women—doctors, lawyers, bankers, merchants, mining and oil operators, teachers, legislators, and administrators in every branch or department almost of our city, county, State, and National Governments—who received their training or foundation, at least, in these tribal institutions 30 and 40 years ago.

The buildings which housed the higher educational activities of these tribes were, in many instances, erected before the Civil War, from brick produced on the ground by the Indians themselves, or hauled 100 and 200 miles by ox team. The Northeastern State Normal of Oklahoma is now housed in what was formerly the Cherokee National Female Seminary. The material for this building was produced by the Indians on the ground, or hauled 100 miles or more by ox team in many instances. This building is in perfect state of repair to-day, and has met the needs of Oklahoma in its educational program in every respect, with but few changes or additions.

INDIAN BUREAU EDUCATIONAL ACTIVITY

Of all the Five Tribes perhaps the Cherokees were well toward the front, if not in the lead, in advanced education and educational facilities as a whole when the change from tribal government to national tutelage came.

Did the Indian Bureau, when it took over or assumed responsibility for the future education of the Indian youth of the Cherokee Tribe, observe the success of the tribe's educational program then in operation and start building up or tearing down? The bureau preserved nothing—not so much as one of the buildings where the Indians of the tribe had been receiving school training over three-quarters of a century. Did they build up or down on the educational plan?

They immediately put into operation their way, sending the Indian child to the field, the work bench, and cow barn, for a half day and the other half day to school. This was necessary in order to teach the Indian "how to make a living—grow corn, sharpen the plow," and curry the cow. It never occurred to the bureau that the Indian was growing corn successfully before the bureau was ever heard of or thought of; that within these tribes were carpenters, masons, blacksmiths, and silversmiths, the equal of any race; that the Indians were shipping cows by the trainload to Fort Worth, Kansas City, St. Louis, and Chicago stock markets before the bureau ever thought of starting their "cow currying" idea on the Indian.

As previously indicated, almost a quarter of a century ago these nations surrendered their governments and educa-

tional program to the Indian Bureau. What is the situation to-day? More than 10,000 children of these tribes are out of school, and 95 per cent of this number are of the restricted class; Indians under the direct control and supervision of the Federal Government. As proof of this statement, I quote "Mr. Dodd on justification," page 1077, House hearings, Interior Department appropriation bill, 1932:

Twenty-seven thousand two hundred and fifty-six Indian children of the Five Tribes of school age, and of this number 16,371 attending school and 10,886 out of school altogether.

Just what success has the bureau attained with this half-day educational theory? Indians without plows; Indians without corn; Indians without cows; and in all the Five Tribes the bureau is absolutely unable to offer to-day Exhibits 1, 2, 3, 4, and 5, representing college men or women, as the direct result of their educational program worked on these Indians—the only so-called civilized tribes of the entire Indian population of the United States 100 years ago. Think of this situation and imagine, if you can, the bureau's accomplishments with other tribes not so far advanced a century ago.

The bureau will say: "Oh, we've just been working on the full-blood Indians." Just why do they single the full-blood Indian out for all the punishment? For the information of the bureau, however, the Five Tribes made no blood distinction in working for and with each other. With the result that to-day about one-eighth of the opinions on controverted points of law coming before the Supreme Court of the State of Oklahoma are written by a full-blood Indian.

The Commissioner of Indian Affairs in his report to the Secretary of the Interior for the fiscal year ended June 30, 1930, makes no reference to the activities of his supervisor of Indian schools for the Five Tribes, located at Muskogee, Okla. And "Mr. Dodd on justification" is silent as to the activities of the school supervisor, nor does he state whether provision for the supervisor's salary is in the Interior bill for 1932.

The supervisor of schools for the Five Tribes was before the Senate subcommittee when the committee was in Oklahoma. He knew about thousands of children being out of school. He made this discovery, of course, from checking information furnished him by the county and State school authorities and not from his own personal investigation as to the facts. He had no plan whereby this deplorable and inexcusable situation might be corrected, other than more help, through additional truancy officers.

Quoting from page 1086, House hearings, Interior Department appropriation bill, 1932, "Mr. Dodd on justification" says:

There were six truancy officers during 1930, and four of these were paid in part from this fund, and attendance has been greatly improved due to their activities. The plan will be extended during the present year.

According to "Mr. Dodd on justification," page 1077, House hearings, Interior bill for 1932, there were 9,249 children of the Five Tribes out of school during the year 1929 and 10,856 out of school during the year 1930. There were 1,636 more children out of school in 1930 than in 1929, notwithstanding "Mr. Dodd on justification" states:

Attendance has been greatly improved due to their activity.

Meaning the truancy officers. Further he says—

The plan will be extended during the present year.

Mr. Dodd, again on page 1077, House hearings, Interior appropriation bill, 1932, states:

There were 372 more pupils enrolled in 1930 than in the previous fiscal year . . .

There is a mistake in figures somewhere, but we have never been able to count the Indians accurately—we do not know how many there are, yet we have been right on their heels for the past 400 years. The best we can do is approximate them, and then we separate them into 640 different varieties and degrees of Indians. Neither Mr. Dodd nor anyone in the Indian Bureau, in Washington or in Oklahoma, knows the number of Indian children of the Five Tribes who are in or out of school to-day, yesterday,

or the day before. And they do not know the number of Indian children who have entered school on account of their truancy officers.

Using the figures of Mr. Dodd as to the number of truancy officers working during the year 1930 and the increased attendance as the result of their work, 175 truancy officers will be required to place all Indian children of the Five Tribes in school next year. There are 40 counties of the State of Oklahoma, included in what were formerly the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations. The great bulk of children of the Five Tribes who are out of school actually reside in less than 15 of these counties, which would give to the bureau 10 truancy officers in each county, with two-thirds of an officer to fill in where needed, if the suggestion of the supervisor of schools were followed out and more truancy officers provided.

The supervisor of schools, further testifying before the Senate subcommittee on the solution of the non-school-attendance problem touching Indian children of the Five Tribes, also suggested the extension of the Indian day-school plan to every community throughout his jurisdiction where conditions justified and it were possible to do so.

I quote from page 52, lines 16 to 20, inclusive, of the Interior appropriation bill 1932, H. R., 14675:

And not to exceed \$10,000 may be expended in the discretion of the Secretary of the Interior for the payment of salaries of teachers in special Indian day schools in full-blood Indian communities where there are not adequate white day schools available for their attendance.

One of the Indian day schools in the territory of the Five Civilized Tribes is located in Delaware County, in a strictly full-blood Indian settlement. Only two white children have ever attended this school since it was opened—about a year and a half ago.

In connection with the suggestion of the supervisor of Indian schools for the Five Civilized Tribes that whenever conditions warranted the Indian day-school plan should be adopted throughout his entire territory, it is interesting to note that this particular Indian day school in Delaware County, Okla., was not opened at the suggestion of the Five Tribes supervisor of Indian schools; that he had never visited this Indian community prior to the opening of the school, nor since; nor has any other official of the Government, farmer, or field clerk, visited this Indian settlement within the past 10 years, yet in this particular community live and have lived for years many real full-blood Indians, with children to the number of 30 out of school altogether during these years, until the school mentioned was opened at the instance and through the efforts of a white man in no manner whatever connected with the Government.

And this supervisor, asking for more truancy officers, when the results of this addition to his force over the past year are to be seriously questioned as to any benefits whatever as reflected in the statements of "Mr. Dodd on justification," asking for more Indian day schools, not responsible for those now opened to the Indians, not visiting the schools after they are opened, is covered up, from a salary standpoint, in this Interior appropriation bill in such a manner that he can not be singled out and justice prevail.

We will never pay our honest debt to the Indians as long as we ignore conditions as reflected herein by continuing to appropriate money for this class of service. It is downright unjust to the Indian and the taxpayers of the country as well.

Talk to the bureau about this situation and they begin the "old saw" of what to teach the Indian, as though they were a new assignment. They are still in the A B C class. They have been creating and accepting ideas on this thought and placing or attempting to place them on the Indian for centuries, until the Indian is a crazy quilt of their ideas, not applicable to him or any race.

The answer to their question of what to teach the Indian is simple and fundamental. Teach him whatever is being taught the child of the Jew, the German, the Irishman, the Englishman, or whatever man lives in daily contact with him. The Indian boy from Arizona should not be taught

the art of growing pond lilies, nor should the boy from the Everglades specialize in dry farming, for when you turn them loose, after having finished them in one of the Government schools, they are going home; and they should. Most all of us do, for a time at least. If the bureau have anything good—sanitation, ventilation, disease prevention, better homes, more cows and chickens—and they are really interested in the Indian, they will load these boys down with these ideas; for the folks back home will adopt, through the boys, 1,000 changes in their manner of living, while the bureau is attempting to put over one direct.

The "new thought" now is to get the Indian off the reservation. Yet it took millions of dollars to get him on, saying nothing about the time and loss of life, white and red. The "old thought" was, when he got off the reservation, chase him back, and if he did not go back, shoot him. Now he is used to the reservation; he has forgotten his roaming habits; and the bureau comes along with idea 999,999, which reads: "Get the Indians off the reservations."

The most good will come to the Indian and the taxpayer, who are suffering and paying the bill, through supplanting the "new thought" idea, with one to get 50 to 75 per cent of the present Indian Bureau personnel off the Indian, off the taxpayer, through taking them off the pay roll.

"Mr. Dodd on justification," page 1077, Interior Department appropriation bill, 1932, says:

Special studies are being made in connection with the educational program in the Five Civilized Tribes in an effort to get all pupils enrolled in the public schools.

Why give the situation special study now? This school condition has prevailed almost since the very day the bureau entered the field 25 years ago. The children are out of school to the number of more than 10,000. The problem is to get them in. The first step on the part of an Indian Commissioner who really intends to solve this situation, without studying a second, would be a wire to the supervisor of schools for the Five Tribes: "You are fired."

This supervisor has been on the job for 8 or 10 years, and 10,000 children are out of school to-day. Is this a recommendation for his continuation as supervisor of schools for the Five Tribes? You could give this man a standing army to go with the peacefully sitting crowd which he now has and hopes to have increased and present conditions will prevail next year, the next, and the next.

One man, with one clerk, one typewriter, one mimeograph, and common-sense administrative ability, can know, in advance of the opening of the public schools of Oklahoma in September each year, the number of children of school age in each school district, where they live, the exact post-office address of their parents, and within 10 days from the opening of school the number and names and exact location as to school district of every child not in school throughout his entire district. With this information before him, without leaving his office at any time during the school term, and without the additional appropriation of one penny, he can double the first year the school attendance of two dozen truancy officers on the ratio as reflected by "Mr. Dodd on justification." With some assistance from this crowd of Government field clerks, assistant field clerks, supervising field clerks, probate attorneys and assistants to the probate attorney, supervising probate attorneys, Government farmers, and supervising Government farmers, who are now sitting in their offices on hot and cold days, and out on the highways circling each other on pleasant motoring days, all these children could be placed in some school.

The record of the Indian Bureau in its educational success with the Five Tribes, recognized as the most advanced Indian tribes in the United States, like its activities touching their property, is a disgrace to the Federal Government.

The Indian Commissioner is due sharp criticism for refusing or neglecting to place the supervisor of Indian schools for the Five Tribes in the Interior bill in such a way that he could be instantly recognized and receive just and prompt consideration in the interest of the Indian and the taxpayer.

Mr. President, I have said something about the Indian Bureau. Perhaps I should be more specific. Of course, I do not intend to criticize employees of the bureau who are doing merely clerical work. I should not in any sense be understood as criticizing anyone in the Indian Bureau who has nothing to say about the policies prescribed and promulgated by that bureau. I made the statement on a former occasion that the Commissioner of Indian Affairs does not know what the pending bill contains. I stand upon that statement. I can not believe that any man of his ability, who has spent so much of his life in foreign lands taking care of helpless people, would have recommended this item if he understood it.

I criticize those in the Indian Bureau who are responsible for making these policies with a lack of knowledge. They do not know what conditions exist among the Indian reservations and among the Indian tribes that go to make up the wards of the United States.

I criticize the policy-making personnel of the Indian Bureau for making little if any effort to secure information upon which they could act.

I criticize the policy-making officials of the Indian Bureau for their unsympathetic attitude toward these defenseless citizens of our country.

I criticize them for having made wrong policies and now insisting that those policies should be continued. The Indian Bureau has come to that point where it is doing today what it did yesterday, what it did the day before, last week, last year, and always previously.

The only reason the Indian Bureau can give for this particular item is that the Indians have a little money, in the first place; and, in the second place, because the bureau did this last year and the year before that and still the year before that.

Mr. President, the Indian Bureau asserts frequently that it is unsupplied with finances, and consequently unable to render the service necessary to see that the Indian citizens are taken care of. I desire to invite the attention of the Senate to the personnel of the Indian Bureau here in Washington. I exhibit to the Senate a report just received from Commissioner Rhoads. The transmitting letter reads as

follows, being addressed to Hon. LYNN J. FRAZIER, United States Senate, and reading:

MY DEAR SENATOR: In compliance with the request contained in your letter of January 14, 1931, there is forwarded herewith a list showing the names, salaries, etc., of the personnel of this office employed in Washington.

In addition, there is attached a sheet showing the employees detailed to the office from the field who are paid from field appropriations, but whose headquarters are established in Washington.

Sincerely yours,

C. J. RHOADS, Commissioner.

This list contains the name of the man to whom I have had occasion to refer more than once, Samuel M. Dodd, jr., who holds the title of administrative officer and the positions of assistant to assistant commissioner, legislative clerk, and Budget officer. Mr. Dodd as the legislative clerk is the policy-making official so far as legislation is concerned. All the legislation goes through his hands. He has the last word to say upon it. Mr. Dodd is the Budget officer. All items of appropriation come to his supervision and are passed upon by him before they reach this body. As the Budget officer he controls the finances of the Indian Service. As the legislative clerk he controls the legislative policies now in force pertaining to our Indian citizens.

The list to which I have referred shows there are now employed in the Indian Bureau at Washington 232 employees. Of this number there are 8 Indian citizens. The Indian Bureau has spent millions of dollars to educate the Indian people. It has spent years of time and millions of dollars for colleges and academies, trying to make these Indian children, boys and girls, into self-supporting human beings, and yet after all these years these Indian wards have not received sufficient education that more than eight can be employed in the great Indian Bureau here in Washington.

Mr. President, I ask unanimous consent that this list, containing the personnel and showing the former address, the official title, nationality, length of service, salary, and the kind of work performed, may be inserted at this point in my address as if read in full.

THE VICE PRESIDENT. Without objection, it is so ordered.

The list referred to is as follows:

List of the personnel employed in the Indian Bureau, Washington, D. C.

Name	Former home address	Official title	Nationality	Length of service (appointed)	Salary	Kind of work performed
Rhoads, Charles J.	Pennsylvania	Commissioner of Indian Affairs.	American	July 1, 1929	\$9,000	Administration of Indian Affairs.
Scattergood, J. Henry	do	Assistant Commissioner of Indian Affairs.	do	do	7,500	Do.
Hauke, Charles F.	Washington	Administrative officer (chief clerk).	do	Mar. 30, 1899	3,800	In charge of office personnel and acts as commissioner and assistant commissioner during their absence.
Cooley, Abraham C.	Utah	Chief scientist (director of extension work).	do	Feb. 1, 1930	5,800	In charge of agriculture and industrial activities.
Ryan, W. Carson, jr.	Pennsylvania	Chief educationist (director of education).	do	Aug. 21, 1930	5,600	In charge of educational activities.
Stewart, Miss Mary	Ohio	Assistant director of education.	do	July 18, 1929	4,600	Assistant to director of education.
Reeves, John R.	Oklahoma	Senior counsel (attorney).	do	May 10, 1906	5,200	Chief counsel for the bureau.
Green, Robert P.	Kentucky	Senior administrative assistant.	do	Feb. 1, 1930	5,200	Assistant to commissioner, private secretary.
Dodd, Samuel M., jr.	Oklahoma	Administrative officer.	do	Apr. 2, 1917	3,800	Assistant to assistant commissioner and legislative clerk, Budget officer.
Dimick, Hamilton	Alabama	do	do	Sept. 2, 1889	3,800	Chief of finance division, directs accounting work in office and field.
Fry, Walter B.	District of Columbia	Administrative officer.	do	Apr. 27, 1895	3,800	Chief of purchase division, directs purchase of supplies for field service.
Garber, Benjamin S.	Virginia	do	do	June 1, 1903	3,800	Chief of administrative division; field personnel, field budgets; legislation, construction work.
Marschalk, Wm. A.	Florida	do	do	Oct. 29, 1894	3,800	Chief of land division; in charge of land matters.
Armstrong, Egbert J.	Maryland	Senior administrative assistant.	do	Oct. 13, 1919	3,300	Assistant to chief of administrative division.
Cecil, Charles H.	District of Columbia	do	do	Oct. 27, 1917	3,400	Inspector of textiles and clothing and correspondence clerks.
Dalker, Fred H.	do	do	do	Nov. 1, 1909	3,400	Chief of inspection division, directs work of field inspectors.
Eisenhart, Earl E.	Iowa	do	do	July 11, 1905	3,200	Chief of supplies section, purchase division; purchase of supplies for field service.
Govern, Frank	New York	do	do	July 21, 1891	3,300	Assistant to chief of finance division; directs accounting work in field service.
Gregg, Miss Elinor D.	Colorado	Senior administrative assistant; supervisor of nurses.	do	Aug. 1, 1924	3,700	Supervision of field nurses and hospitals.
Weekley, William D.	Ohio	Senior administrative assistant	do	Mar. 4, 1904	3,300	Assistant chief of land division.
Clark, Clyde F.	Arkansas	Administrative assistant	do	June 29, 1904	3,100	Assistant chief of purchase division.
Dawson, John E.	Massachusetts	do	do	Apr. 19, 1907	3,100	Chief of Five Tribes, Quapaw section; prepares correspondence pertaining to legal matters of these tribes.

List of the personnel employed in the Indian Bureau, Washington, D. C.—Continued

Name	Former home address	Official title	Nationality	Length of service (appointed)	Salary	Kind of work performed
Higgins, Reginald H.	Massachusetts	Administrative assistant	American	Mar. 23, 1909	\$2,900	Acting chief, education division, supervises and prepares correspondence regarding educational matters.
Moose, Ernest R.	North Carolina	do	do	July 25, 1916	3,100	Chief, oil and gas section, land division; supervises and prepares correspondence relating to oil and gas leases, etc.; legislation.
Shipe, Harry W.	Pennsylvania	do	do	Mar. 12, 1894	3,100	Acting chief, extension division; assistant to director of extension work.
Shreve, Benjamin D.	Virginia	do	do	Oct. 26, 1908	3,000	Chief of sales section, land division; supervises and prepares correspondence relating to sale of Indian lands, etc., fee patents.
Stewart, James M.	Massachusetts	do	do	July 16, 1923	2,900	Chief of allotment section, land division; supervises and prepares correspondence relating to Indian allotments; legislation, etc.
Wooster, Dr. Walter M.	Virginia	do	do	Nov. 8, 1889	3,000	Chief of contracts section; land division; supervises and handles legal correspondence relating to suits against United States in Court of Claims; drafting legislation and reporting upon bills; applications for enrollment with Indian tribes, etc.
Barber, C. Arthur	New York	Junior administrative assistant	do	Nov. 1, 1909	2,900	Chief of employees' section; supervises and prepares correspondence pertaining to appointment and separation of field personnel; retirement, leave of absence, etc.
Ellis, Frank H.	Michigan	do	do	Apr. 17, 1907	2,900	Prepares correspondence and handles reimbursable accounts.
Ivins, Carrol H.	New Jersey	Junior administrative assistant (clerk).	do	June 4, 1907	2,700	Prepares correspondence pertaining to rights of way matters over Indian lands, etc.
Miner, Thomas D.	Washington	do	do	Oct. 1, 1909	2,700	Legal correspondence pertaining to irrigation matters.
Peter, Fannie I.	Illinois	do	do	Sept. 1, 1893	2,700	Handles legal correspondence pertaining to land matters.
Plake, James W. (Indian)	Nebraska	Junior administrative assistant	do	Feb. 25, 1898	3,000	Chief of accounts section, finance division; administrative audit of field officers' accounts.
Rapley, Mrs. Nellie S.	California	Junior administrative assistant (clerk).	do	Apr. 10, 1906	2,700	Handles legal correspondence pertaining to land matters, etc.
Schultz, George A.	Wisconsin	Junior administrative assistant	do	May 23, 1914	2,800	Chief of contracts section, purchase division; supervises and prepares correspondence pertaining to contracts awarded for supplies; transportation claims; makes recommendations regarding liquidated damage cases.
Shaw, William B.	Pennsylvania	do	do	June 24, 1897	2,900	Chief of bookkeeping section, finance division.
Shotwell, Clarence L.	Virginia	Assistant accountant auditor	do	Oct. 18, 1921	2,700	Assistant to field cost accountant; control accounts and expenditures irrigation projects.
Tranbarger, Fernando G.	Indiana	Junior administrative assistant (clerk).	do	Nov. 19, 1909	2,700	Legal correspondence; legislative matters relating to depredation claims, or treaty claims, etc.
Venning, John R.	Wisconsin	Junior administrative assistant	do	Mar. 24, 1902	2,900	Chief of section; supervises and prepares correspondence relating to law and order.
Wood, John S.	New York	Junior administrative assistant (clerk).	do	Sept. 2, 1913	2,700	Correspondence clerk; purchasing of supplies for field service.
Boone, Turin B.	Texas	Assistant attorney	do	Aug. 12, 1912	2,700	Legal correspondence; annuity payments, etc.
O'Neill, John B.	Oklahoma	do	do	July 1, 1903	2,700	Legal correspondence; Five Civilized Tribes.
McMahon, Edward S.	Connecticut	Associate attorney	do	June 5, 1911	3,300	Law clerk; reviewing legal correspondence.
Middleton, Arthur E.	Iowa	Associate engineer (architect)	do	Mar. 1, 1903	3,400	Assistant to chief supervisor of construction.
Pryse, E. Morgan	Washington	Associate scientist (forester)	do	June 12, 1923	3,300	Correspondence relating to conservation of forests and grazing lands.
Von Bayer, William H.	New York	do	do	July 27, 1910	3,300	Chief of forestry division; supervises correspondence relating to forestry matters; legislation, etc.
Flickinger, Samuel J.	New Jersey	Attorney	do	Nov. 9, 1917	4,000	Chief of irrigation division; legal correspondence relating to irrigation matters; legislation, estimates, etc.
Layne, William R.	Kentucky	do	do	Nov. 5, 1916	4,400	Assistant to senior attorney; reviews legal correspondence.
Allen, Winifred E.	Oklahoma	Senior library assistant	do	Sept. 5, 1905	2,200	Librarian; research work, historical data.
Vanderloo, Albert E.	District of Columbia	Senior engineering draftsman	do	June 29, 1928	2,100	Draftsman.
Coulson, Edward H.	Arizona	Chief engineering draftsman	Scotch	Jan. 9, 1928	2,700	do
Brown, Arthur W.	Missouri	Principal clerk	American	Apr. 13, 1901	2,500	Correspondence clerk, livestock.
Cade, Clarence D.	Alabama	do	do	May 22, 1917	2,500	Corresponds with field officers and others on various matters of accounting, adjustment of accounts, disbursing officers.
Calhoun, Charles F.	Pennsylvania	do	do	Dec. 1, 1889	2,500	Corresponds relating to supplies, assembling of data covering annual estimate blanks; prepares abstract books in which annual estimates are scheduled.
Cline, Robert C.	North Carolina	do	do	Sept. 8, 1890	2,500	Correspondence relating to assignments, extension of time, drilling contracts, oil and gas leases.
Collins, Miss Georgie A.	New York	do	do	Sept. 27, 1909	2,500	Correspondence clerk; subject matter relating to Indian schools, contract, and mission schools.
Emery, Charles B.	Pennsylvania	do	do	Nov. 14, 1917	2,500	Assistant to chief, bookkeeping section; principal bookkeeper for appropriation ledgers.
France, Floyd L.	Nebraska	do	do	Nov. 25, 1927	2,400	Preparation of correspondence for administrative work of allotting lands to Indians on reservations and public domain.
Gray, Norman A.	Maryland	do	do	Aug. 14, 1928	2,400	Correspondence clerk, applications for enrollment with Five Civilized Tribes and allotment claims of tribes; land titles.
Greenwood, Wm. B.	do	do	do	Oct. 1, 1920	2,500	Correspondence relating to designation of banks as depositaries for Indian funds; recovery of deposits in insolvent banks; corresponding with receivers, State bank officials, etc.
Pfeiffer, Melvin A.	do	do	do	May 28, 1908	2,500	Correspondence in connection with the allotment of tribal and purchased lands to Indians in severalty; preparation of legislation.
Pittenger, Homer	Missouri	do	do	Sept. 8, 1881	2,500	Prepares correspondence regarding purchase of supplies; analyzing bids.
Robinson, Marvin R.	Mississippi	do	do	Mar. 19, 1918	2,500	Correspondence with disbursing agents and Treasury Department regarding advances of funds to disbursing agents; analysis of deposits, requisitions for warrants necessary to place funds to credit of chief disbursing clerk of department for Indian Service disbursements.

List of the personnel employed in the Indian Bureau, Washington, D. C.—Continued

Name	Former home address	Official title	Nationality	Length of service (appointed)	Salary	Kind of work performed
Simpson, Walter L.	Ohio	Principal clerk	American	Aug. 1, 1917	\$2,500	Chief of mails and files division; in charge of office files.
Smith, Edna Scott	New Hampshire	do	do	Sept. 1, 1900	2,400	Correspondence relating to affairs of Osage Indians; applications of restricted Indians for use of surplus funds with which to make loans, investments, purchase of residences, farms, livestock, etc.
Wolff, August C.	North Dakota	do	do	May 2, 1921	2,300	Correspondence regarding maintenance of law and order on Indian reservations, Indian citizenship, hunting and fishing rights, etc.
Baldwin, Marie L. (Indian)	Minnesota	Senior clerk	do	Feb. 20, 1904	2,300	Examination of transportation claims and conducts necessary correspondence in connection therewith.
Blandy, Emma V.	Delaware	do	do	June 25, 1904	2,200	Adjustment of exceptions to accounts of disbursing officers and prepares necessary correspondence.
Bridge, Helen V.	District of Columbia	do	do	Mar. 11, 1904	2,300	Correspondence regarding field personnel matters.
Brown, Frank E.	Texas	do	do	Aug. 1, 1916	2,100	Adjustment of exceptions to accounts of disbursing officers and preparation of necessary correspondence.
Butler, Troy J.	Oklahoma	do	do	Jan. 2, 1920	2,100	Correspondence regarding field personnel matters.
Carpenter, James D.	Alabama	do	do	May 20, 1907	2,000	Preparation of correspondence regarding sales of original and inherited Indian allotted lands; partition of inherited Indian lands, etc.
Cribbs, John C.	Virginia	do	do	June 23, 1926	2,100	Preparation of correspondence relative to justifications supporting estimates of appropriations for Indian health service; assembling data and compiles various statistical statements used in congressional reports, etc.
Greer, Thomas J.	Texas	do	do	May 22, 1922	2,000	Preparation of correspondence with individuals and field officials relative to sale of oil and gas mining leases, payment of royalties and bonuses thereunder; examination of mineral and business leases, etc.
Hallman, Walter C.	North Carolina	do	do	June 27, 1921	2,100	Adjustment of exceptions to accounts of disbursing agents and preparation of necessary correspondence.
Harper, Bessie C.	Pennsylvania	do	do	Nov. 1, 1894	2,300	Correspondence regarding field personnel matters.
Hutchison, James W.	Virginia	do	do	Feb. 18, 1921	2,100	Preparation of correspondence regarding field personnel.
Johnson, Lillian E.	do	do	do	Sept. 17, 1912	2,200	Examines reimbursable accounts covering equipment and stock purchased for Indians under reimbursable appropriations; conducts necessary correspondence.
Kibler, Godfrey L.	Minnesota	do	do	Sept. 28, 1927	2,000	Preparation of correspondence regarding Indian schools, administrative questions of finances, expenditures, courses of study, construction and repair of buildings, etc.
Lackey, John T.	Arizona	do	do	July 7, 1919	2,100	Chief of records section, land division; maintains records of Indian land titles.
McCaffrey, Mary C.	Virginia	do	do	Oct. 1, 1905	2,100	Preparation of contracts and bonds for supplies, building materials, etc.; examination of similar contracts sent in from field for approval; conducting necessary correspondence.
McMullen, Vincent M. (Indian)	District of Columbia	Senior clerk-stenographer	do	Dec. 25, 1914	2,100	Stenographer to commissioner and assistant commissioner and acts as private secretary during absence of assistant to commissioner.
Millisor, Berdine	Ohio	Senior clerk	do	Sept. 10, 1925	2,000	Preparation of correspondence regarding Indian schools, administrative questions of finances, expenditures, courses of study, etc.
Napier, Maud	Missouri	do	do	July 1, 1924	2,100	Preparation of bonds and contracts for supplies purchased; conducting necessary correspondence.
Paulus, George M., jr.	Wisconsin	do	do	Dec. 10, 1928	2,000	Prepares necessary correspondence on applications of Indians for fee title to their allotments and inherited lands; issuance of fee patents, certificates of competency, etc.
Phillips, Orla G.	New York	do	do	Dec. 11, 1905	2,100	General correspondence and preparation of cases involving approval of Indian land sales; partition of allotments of deceased Indians in accordance with their inherited interests.
Senior, Harry	do	do	do	Dec. 30, 1904	2,100	Correspondence relative to purchase of supplies for field service; abstracting bids.
Stenson, Ervine J.	Wisconsin	do	do	Dec. 8, 1919	2,300	Do.
Warning, Ethel	Kansas	do	do	June 18, 1920	2,100	Audits trial balance sheets rendered monthly by disbursing agents at 130 schools and agencies in field service.
Watson, Lewis R.	Maryland	do	do	May 20, 1918	2,300	Prepares claims for settlement; conducts necessary correspondence.
Williams, Jerome H.	District of Columbia	do	do	Mar. 2, 1928	2,500	Handles correspondence and performs necessary clerical work in connection with maintenance and upkeep of Indian agency plants, etc.
Wilson, Mervin L.	Tennessee	do	do	Mar. 13, 1919	2,300	Analyzes all expenditures of the service to show purpose for which made and records them by units and appropriations. Necessary correspondence.
Wingate, Carl J.	Florida	do	do	July 25, 1921	2,300	Assistant to chief of mails and files division, in charge of office files.
Bain, William M. (Indian)	New Mexico	Clerk	do	Sept. 5, 1927	1,800	Administrative examination of accounts of disbursing officers in Indian Service.
Black, Mildred I.	Pennsylvania	Clerk-stenographer	do	Oct. 4, 1920	1,860	Stenographer to chief of purchase division acts in secretarial capacity.
Blecker, Edna M.	Iowa	do	do	Aug. 21, 1922	1,800	Stenographer to chief of land division and assistant chief.
Boyle, Thomas M.	Maryland	Clerk	do	Apr. 1, 1920	1,800	Administrative examination of accounts of disbursing officers.
Brown, Flossie	North Carolina	do	do	May 2, 1918	1,920	Preparation of correspondence relative to activities of officers employed in enforcement of liquor and drug laws; granting of alcoholic permits to druggists, doctors, hospitals, etc.
Bryan, Ethel V.	Virginia	do	do	Oct. 1, 1912	2,100	Preparation of correspondence relating to nursing personnel; acts in secretarial capacity to supervisor of nurses.

List of the personnel employed in the Indian Bureau, Washington, D. C.—Continued

Name	Former home address	Official title	Nationality	Length of service (appointed)	Salary	Kind of work performed
Burnham, Mark H.	Ohio	Clerk	American	Sept. 21, 1927	\$1,800	Prepares correspondence relating to certain classes of supplies for Indian Field Service.
Cox, Elizabeth C.	Virginia	Principal stenographer	do	Sept. 2, 1919	1,800	Stenographer and typist and file work.
Craycraft, Smith I.	Missouri	Clerk	do	Jan. 21, 1918	2,040	Analyzing expenditures by units and appropriations to show purposes for which made, and preparation from the record thus made of reports required by law to be submitted to Congress.
Ganna, Angelo C.	District of Columbia	Clerk-stenographer	do	Feb. 10, 1926	1,860	Stenographer and typist; assists with clerical work in preparing supporting schedules of estimates for Budget; briefing and filing decision of Comptroller General, etc.
Gantt, William L.	Louisiana	Clerk	do	Jan. 16, 1917	1,920	Prepares correspondence relating to licenses of Indian traders, bonds, etc.
Gilbert, Annie C.	Tennessee	do	do	May 18, 1898	1,800	Administrative examination of accounts of disbursing officers.
Gordon, Kenneth	District of Columbia	do	do	Oct. 4, 1928	1,860	Bookkeeper and operator of Underwood book-keeping machine.
Harrison, William W.	Virginia	do	do	Nov. 13, 1929	1,860	Administrative examination of accounts of disbursing officers.
Hitchcock, Emma S.	Alabama	do	do	June 30, 1914	1,860	Do.
Hurlbaus, Gwynn I.	District of Columbia	do	do	Aug. 20, 1930	1,800	Purchase of supplies and equipment for field units; preparation of necessary correspondence.
Joyner, Wilmer	Maryland	do	do	Nov. 2, 1910	2,040	Examination of surety bonds to determine legal sufficiency and acceptability as surety for banks designated as depositories for Indian moneys.
Kenny, Annie L.	Ohio	do	do	Oct. 31, 1904	1,860	Examination of lease for oil and gas mining covering restricted allotted and tribal lands in Five Civilized Tribes.
Maker, Leonard C.	Massachusetts	do	do	June 4, 1920	1,800	Examiner of Claims submitted for settlement;
Miller, Ralph S.	Pennsylvania	do	do	Dec. 14, 1910	2,100	Acts in secretarial capacity to chief clerk; requisitions for office supplies; time clerk.
Morgan, Brent M.	District of Columbia	do	do	June 16, 1917	1,800	File clerk and performs research work among old records for official and public use.
Moses, Ella L.	Minnesota	Clerk-stenographer	do	Nov. 21, 1910	1,920	Stenographer and typist and performs necessary secretarial work for chief of irrigation division.
Nunnenkamp, Agnes N.	Missouri	do	do	Mar. 24, 1927	1,800	Secretarial clerk to chief of administrative division; requisitions supplies for division; stenographer and typist.
Orozco, Charlotte N. (Indian)	Wisconsin	Clerk	do	Dec. 18, 1916	1,800	Examines school attendance reports, monthly and semiannual, from Indian boarding and day schools, public schools; prepares authorities for payment of tuition of Indian children in public schools.
Peake, Clarence H.	District of Columbia	do	do	July 11, 1927	1,800	Bookkeeper.
Pierce, Evelyn (Indian)	New York	Clerk-stenographer	do	Aug. 1, 1914	2,040	Acts in secretarial capacity to director of education, stenographer and typist, and performs necessary file work.
Ricketts, Edna M.	Ohio	Principal stenographer	do	Aug. 20, 1915	1,920	Stenographer and typist.
Ryland, Joseph N.	Kentucky	Clerk	do	June 1, 1908	2,040	Computation of tribal funds available for per capita distribution to Indians; checks tribal rolls; preparation of necessary correspondence.
Shaw, Lucy C.	District of Columbia	do	do	July 1, 1920	1,800	Analyzing expenditures by units and appropriations to show purposes for which made.
Stewart, Mary E.	Maryland	Principal stenographer	do	Oct. 23, 1919	1,860	Stenographer and typist.
Stover, Luther C.	Virginia	Clerk	do	May 23, 1921	1,920	Audits freight and passenger transportation bills to see that correct appropriations for payment therefor are used and prepares reports to field officers of charges against their allotments.
Swindell, Edward G., jr.	District of Columbia	do	do	Feb. 17, 1930	1,800	Preparation of correspondence on irrigation matters.
Traver, Mrs. Mary T.	do	Clerk-stenographer	do	Apr. 19, 1923	1,920	Stenographer and typist to assistant to assistant commissioner; file work; keeps record of legislation.
Ware, Lida V.	Maryland	Clerk	do	June 5, 1920	1,800	Analyzing expenditures by units and appropriations for which made as required by law.
White, Flossie	Kentucky	do	do	Mar. 26, 1928	1,920	Preparation of statistical reports.
Willmetts, Terese R.	Rhode Island	Principal stenographer	do	Feb. 4, 1918	1,800	Stenographer and typist.
Acker, Susie S.	District of Columbia	Assistant clerk	do	July 15, 1918	1,740	Indexing and marking papers for filing; entering on cards from certificates of settlement of General Accounting Office and chief disbursing clerks symbols and amounts of various appropriations.
Booth, Julia M.	Texas	do	do	Nov. 19, 1915	1,800	Stenographer and typist.
Brunette, Joyce C. (Indian)	Minnesota	Senior stenographer	do	Jan. 24, 1927	1,680	Do.
Cranford, Charles W.	Oklahoma	Assistant clerk	do	July 27, 1920	1,620	File clerk.
Cunningham, Winifred	Iowa	Senior stenographer	do	Sept. 10, 1908	1,680	Stenographer and typist.
Dickinson, Charlotte	Nebraska	do	do	Aug. 1, 1927	1,680	Do.
Fowler, Gladys M.	Virginia	do	do	Mar. 17, 1927	1,680	Do.
Gillespie, Elizabeth R.	Kentucky	do	do	May 27, 1925	1,680	Do.
Glenn, Alonzo M.	Mississippi	Assistant clerk	do	Apr. 1, 1916	1,620	Final file clerk.
Harrison, Lura E.	Ohio	Senior stenographer	do	July 1, 1930	1,680	Stenographer and typist.
Head, Florence N.	Wisconsin	Assistant clerk	do	Apr. 29, 1903	1,740	Final file clerk.
Hitt, Fred R.	Oklahoma	do	do	July 26, 1927	1,800	Administrative examination of freight, express, and passenger claims.
Horwitz, Harry	New Jersey	Senior stenographer	do	May 7, 1917	1,800	Stenographer and typist.
Hunt, Metta M.	New York	do	do	May 9, 1919	1,680	Do.
Ingles, Charles J.	Minnesota	Assistant clerk	do	Sept. 16, 1907	1,800	File clerk.
Jenkins, Minerva P.	Wisconsin	do	do	July 1, 1910	1,740	Do.
Jones, Sallie G.	Georgia	do	do	Oct. 20, 1910	1,740	Do.
Keech, Susan P.	Maryland	do	do	July 2, 1895	1,800	Records changes in status on field personnel cards.
Kerstetter, Leo D.	do	do	do	Mar. 16, 1922	1,620	File clerk.
Kinne, Clara B.	New York	do	do	June 21, 1907	1,680	Stenographer and typist.
Larkin, William W.	Virginia	Senior stenographer	do	Aug. 29, 1921	1,740	Do.
McManus, Rachel P.	Wyoming	do	do	May 27, 1929	1,620	Do.
Millard, Fannie	District of Columbia	do	do	Aug. 17, 1918	1,800	Do.
Mohon, John	Florida	Assistant clerk	do	Feb. 9, 1920	1,740	Do.
Morrison, Lavinia	Virginia	Senior stenographer	do	July 1, 1920	1,800	Do.
Perry, John M.	Oklahoma	Assistant clerk	do	June 16, 1919	1,740	File clerk.
Putnam, Rufus S.	Ohio	Senior stenographer	do	Dec. 23, 1889	1,920	Stenographer and typist.
Skye, Amelia (Indian)	North Dakota	do	do	July 5, 1928	1,620	Do.
Slechta, Marie	Iowa	do	do	Mar. 8, 1919	1,740	Do.

List of the personnel employed in the Indian Bureau, Washington, D. C.—Continued

Name	Former home address	Official title	Nationality	Length of service (appointed)	Salary	Kind of work performed
Smith, Foster K.	Texas	Senior stenographer	American	Apr. 7, 1925	\$1,740	Stenography and typewriting.
Spragg, Mary A.	District of Columbia	Assistant clerk	do	Mar. 19, 1920	1,680	Miscellaneous clerical duties in connection with land sales.
Tilden, Anita S.	Maine	do	do	Apr. 2, 1928	1,680	Stenographer and typist.
Tranbarger, Grace G.	District of Columbia	Senior stenographer	do	Feb. 1, 1921	1,680	Stenography and typewriting.
Vanderlip, Harmon G.	do	Assistant clerk	do	Aug. 27, 1918	1,620	File clerk.
Weaver, Dora E.	Maryland	do	do	Oct. 23, 1929	1,620	Stenography and typewriting.
Westbrooke, Lillian E.	Texas	Senior stenographer	do	Nov. 20, 1917	1,680	Do.
Williams, Gwen	Pennsylvania	Assistant clerk	do	Oct. 9, 1909	1,680	Personnel work in connection with retirement matters; refunds, etc.
Compton, Anna Mae	District of Columbia	Junior operator office devices	do	May 19, 1930	1,440	Punch card and tabulating machine operator
Crook, Carlyle	Maryland	Senior typist	do	Jan. 12, 1924	1,620	Typist, briefing incoming mail.
Farrington, Jane C.	New York	Junior stenographer	do	July 16, 1920	1,620	Stenography and typewriting.
Fischer, Mrs. Freda M.	District of Columbia	Junior operator of office devices	German	Mar. 19, 1930	1,440	Punch card and tabulating machine operator.
Hall, Mary H.	New Mexico	Junior stenographer	American	Dec. 10, 1929	1,440	Stenography and typewriting.
Jones, Ruby I. (Indian)	Oklahoma	do	do	Oct. 24, 1928	1,500	Do.
Kyer, T. Glenn	West Virginia	Junior clerk	do	July 1, 1930	1,440	File clerk.
Little, Mabel	Virginia	Junior stenographer	do	Aug. 11, 1919	1,680	Stenography and typing.
McCrea, Philip H.	Illinois	Senior typist	do	Aug. 1, 1928	1,440	Typing; briefing incoming mail.
Mann, Doris E.	District of Columbia	Junior stenographer	do	June 24, 1930	1,440	Stenography and typewriting.
Miller, Cintha J.	Missouri	do	do	Jan. 19, 1928	1,560	Do.
Miller, David	District of Columbia	Junior clerk	do	Aug. 1, 1921	1,620	Notes changes on records affecting status of Indian lands.
Potter, Gordon V.	do	do	do	Apr. 1, 1930	1,440	File clerk.
Roy, Rosa B.	do	Junior stenographer	do	July 19, 1920	1,500	Stenography and typing.
Ryan, Bessie (temporary)	Pennsylvania	Junior clerk	do	Jan. 12, 1931	1,440	Statistical clerk, coding of census reports.
Skidmore, Christine C.	South Carolina	do	do	July 7, 1930	1,440	Statistical clerk. Coding of census reports and birth and death schedules for use in punching tabulating cards.
Vaccaro, Mary J.	District of Columbia	Junior operator of office devices	do	May 19, 1930	1,440	Punch card and tabulating machine operator.
Wean, Pauline E.	Virginia	Senior typist	do	Nov. 1, 1920	1,500	Typewriting.
Day, Blanche R.	do	Underoperator of office devices	do	Aug. 18, 1930	1,290	Punch card machine operator.
Kern, Marian B.	District of Columbia	Underclerk	do	Dec. 16, 1919	1,560	File clerk.
Musser, Kate G.	do	do	do	June 19, 1929	1,290	Do.
Rubenstein, Helen R.	do	Underoperator of office devices	do	Apr. 15, 1930	1,290	Punch card machine operator.
Ruffner, Daisy D.	do	do	do	Jan. 1, 1931	1,260	Operator of card-punching machine.
Torrey, Earl G.	Michigan	Associate attorney	do	Dec. 1, 1913	3,300	Chief of probate division.
Triplett, Cains E.	do	Assistant attorney	do	July 16, 1914	2,700	Prepares and reviews probate cases.
Lowe, Louis	District of Columbia	do	do	Dec. 7, 1909	2,700	Do.
Worrell, Margaret H.	Pennsylvania	do	do	Oct. 11, 1912	2,600	Do.
Murphy, Rose A.	Vermont	Assistant clerk-stenographer	do	Apr. 1, 1920	1,740	Stenography and typewriting.
Hanley, Claude A.	Maryland	Assistant clerk	do	Mar. 5, 1923	1,680	Searching of records and notes changes on records affecting status of Indian lands.
Brooks, Thomas	District of Columbia	Head messenger	do	Oct. 13, 1922	1,380	Directs messenger work.
Blake, George M.	Arkansas	Messenger	do	Mar. 1, 1920	1,320	Messenger work.
Jones, Charles E.	District of Columbia	do	do	Nov. 13, 1922	1,260	Do.
Bell, Benjamin F.	do	Assistant messenger	do	Feb. 16, 1927	1,140	Do.
Greenfield, Grant B.	Maryland	do	do	Feb. 23, 1928	1,140	Do.
McCoy, Lillie	Virginia	Clerk	do	Mar. 12, 1900	1,920	Prepares correspondence relative to development Indian art and handicraft and marketing of same.
White, Dr. Lawrence W.	Texas	Senior medical officer	do	Nov. 8, 1902	4,600	Assistant to chief medical director.
Reed, Mrs. May M.	Arkansas	Junior administrative assistant	do	Apr. 28, 1930	2,600	Statistician.
Boswell, Russell T.	Pennsylvania	Senior clerk	do	Feb. 1, 1906	2,000	Preparation of bonds and contracts for purchase of supplies; correspondence.
Brown, Jennie	Maryland	Clerk	do	Nov. 24, 1888	1,800	Administrative examination of disbursing officers' accounts.
Robinson, Virginia A.	Oklahoma	Clerk-stenographer	do	Jan. 10, 1910	1,860	Stenographer and clerk and miscellaneous filing.
Groves, Miss Edna ¹	Oregon	Supervisor of home economics	do	July 1, 1922	4,600	Supervision of home economics.
Brandt, Rose K. ¹	Montana	Supervisor of elementary education	do	May 10, 1929	4,600	Supervision of elementary education.
Kinney, Jay P. ¹	New York	Chief Forester	do	July 2, 1906	5,800	Supervision of forestry matters.
Holst, John H. ¹	California	Supervisor of schools	do	July 11, 1928	4,600	Supervision of education in Indian schools.
Arentson, James ¹	Tennessee	Supervisor of trades and industrial training	do	July 10, 1930	4,600	Supervision of industrial training of Indian students.
Kroeger, Muriel L.	Pennsylvania	Assistant clerk-stenographer	do	July 22, 1930	1,620	Stenography and typewriting.
Trott, David C.	do	Chief supervisor of construction	do	Apr. 2, 1930	5,000	Supervision of construction work in Indian Service.
Stamm, Hans R.	Connecticut	Superintendent of construction	do	Apr. 1, 1929	3,800	Do.
Hutchison, Hugh B.	Maryland	Assistant clerk-stenographer	do	Apr. 8, 1930	1,620	Stenography and typewriting and miscellaneous clerical duties.
Cederstrand, Carl L.	do	Associate draftsman	do	Oct. 27, 1930	3,200	Drafting of plans and specifications.
Allen, Arthur O. (Indian)	Oklahoma	Assistant construction foreman	do	Oct. 24, 1927	2,100	Draftsman.
Poynton, Edward A.	District of Columbia	Superintendent of construction	do	May 6, 1930	3,200	Estimator and specifications.
Platt, James H.	do	do	do	May 21, 1930	3,800	Mechanical equipment.
Mylius, Carl (temporary)	Georgia	Assistant draftsman	do	Sept. 22, 1930	2,600	Draftsman.
Cronstrom, Mabel	Wisconsin	Assistant clerk-stenographer	do	Mar. 7, 1929	1,620	Stenography and typewriting and miscellaneous file work.
Edwards, Mrs. Rubye E. (Indian)	South Carolina	Assistant clerk	do	Sept. 4, 1925	1,620	Stenography and typewriting.
Tolene, Marie G.	do	do	do	Nov. 20, 1918	1,740	Do.
Lansdale, Robert P. ¹	New Jersey	Field representative	do	Feb. 17, 1930	5,000	Field representative—personnel.
McGair, Mary P. ¹	Rhode Island	do	do	Nov. 30, 1930	3,800	Field representative.
Berry, Charles H. ¹	Missouri	do	do	do	3,800	Do.
Bates, Dr. Erl. A. (temporary) ¹	New York	do	do	June 23, 1930	3,800	Do.
Thompson, Samuel H. ¹	Tennessee	Supervisor of Indian education	do	Feb. 25, 1929	4,600	Supervision of education in Indian schools.
Post, William S. ¹	California	Director of irrigation	do	(?)	5,600	Irrigation matters.
Guthrie, Dr. M. C. ^{1 2}	North Carolina	Senior surgeon, U. S. Public Health Service.	do	{ Aug. 26, 1905 * Mar. 27, 1926 * June 25, 1906 * (Sept. 18, 1930 * }	{ 4,900 1,440 657 (?) }	Chief medical director.
Bryan, Dr. Wm. ^{1 3}	Georgia	do	do	{ Aug. 26, 1905 * Mar. 27, 1926 * June 25, 1906 * (Sept. 18, 1930 * }	{ 4,900 1,440 657 (?) }	Director of hospitals.

¹ In field greater part of time.² Will enter on duty in few days.³ Salary paid by U. S. Public Health Service.⁴ U. S. Public Health Service.⁵ Base pay and longevity.⁶ Indian Service.⁷ Commutation in lieu of quarters.⁸ Ration allowance.⁹ Same as Doctor Guthrie.

Mr. THOMAS of Oklahoma. Mr. President, I desire now to draw a comparison between the way the Indian Bureau spends the public money and the way it spends the money of these Indian tribes. I desire to draw this comparison between expenditures made for the support of the Five Civilized Tribes Agency at Muskogee and the support of the Osage Agency at Pawhuska, Okla.

The Five Civilized Tribes Agency, located at Muskogee, has under its jurisdiction more than 100,000 Indians. It is supported by Federal funds. So far as this report shows, the Indian Bureau is somewhat penurious in taking care of this agency out of Federal funds in comparison to its expenditures from the private funds of the Osage Tribe. I desire to call attention to this discrepancy. In order to do so I may state that I have not had a chance to make the comparison, and therefore read from the letter signed by W. J. Supernaw, written at Skiatook, Okla., on December 29, 1930. I quote a portion of his letter, as follows:

I notice in the hearings before the House and in the bill as referred to the Senate Appropriations Committee an item of \$262,000 "for the support of the Osage Agency and for necessary expense in connection with oil and gas production on the Osage Reservation, Okla., including pay of necessary employees, the tribal attorney and his stenographer, one special attorney in tax and other matters, and pay of tribal officers; repairs to buildings, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles—payable from funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma.

"For expenses incurred in connection with visits to Washington, D. C., by the Osage Tribal Council and other members of said tribe, when duly authorized or approved by the Secretary of the Interior, \$5,000, to be paid from the funds held by the United States in trust for the Osage Tribe."

The combined items total appropriations of \$267,000 from Osage moneys to take care of the administration of our affairs over the fiscal year ending June 30, 1932.

Continuing to read from the letter:

In the operation of the Osage Agency approximately 90 employees are required. The Five Tribes used 127 last year, at a cost to the Government of \$288,885.43, just \$15,885.43 above the amount it is proposed to use in supervising or administering the Osage Tribe or its tribal affairs during the fiscal year 1932. This does not look just right, does it? There is either reckless expenditure in one instance or niggardly economy in the other.

Down in the Five Tribes, I understand, the officials of the Government have to do a great amount of personal-service work with the Indians—take them to hospitals when they get sick, gather up their children and take them to and from schools (particularly Government schools), and teach them how to plant, plow, sow, and reap.

I have been a member of the Osage Tribe through marriage almost a quarter of a century. I have done my own plowing or had it done without the aid or advice of either the Government farm agent or county farm demonstrator. I have kept my children regularly in school without advice or suggestion from school authorities from either of the above sources and provided them with proper medical attention without aid or advice from the Government or State.

I now submit a comparison of the expenses of the Five Tribes and the Osage Tribe, as follows:

Comparison of expenses of Five Tribes and Osage Tribe

	Five Tribes	Osage Tribe
Number of acres of land allotted to members.....	15,794,205	1,470,640
Number counties included in area.....	39	1
Number enrolled members (Indian).....	101,506	2,229
Number now restricted or full-blood members.....	12,000	650
Number now restricted or full-blood minor members.....	13,000	
Estimated number acres restricted land.....	1,739,179	400,000
Total number Government employees.....	127	90
Number subagencies (field offices).....	11	3
Number probate attorneys (field and office).....	9	1
Number Government farmers.....	4	0
Number quarters furnished employees.....	0	All.
Operating cost, Five Tribes, report of superintendent to subcommittee, fiscal year ended June 30, 1930.....	\$282,886	
Estimate asked for, out of tribal funds of Osages, fiscal year ending 1932.....		\$267,000
Per capita cost of supervision or administration, Five Tribes:		
Including minors, less than.....	\$12	
Excluding minors, less than.....	\$25	
Per capita cost, Osages, under 1932 estimate.....		\$410

Quoting from commissioner's report, page 30:

The cashier for the Five Civilized Tribes handled during the year a total of \$44,915,910.64, including receipts and disbursements of all classes of funds.

Bottom of page 1201, House hearings, touching receipts, Osage Agency:

Total for fiscal year..... \$4,960,068.01

Mr. President, a few moments ago I had something to say about the supervisor of education working out of the Muskogee office. Congress last winter appropriated from the private funds of the Seminole Indians money with which to keep the Mekusukey Academy. In April of the present fiscal year the department asked for the money; Congress granted the bureau the money with which to keep this school open, and in the regular course of events the Indian Office placed an order for food for the students at this academy to keep it going for 12 months. The order was placed, the food was purchased and shipped to the Mekusukey Academy at Seminole, Okla. Two or three carloads of canned goods and crates and boxes of other goods were shipped to this academy and stored in the storehouse, ready for the ensuing school year, which was to begin the following September, 1930. After the goods had been purchased, after they had been paid for, after they had been stored in the academy, through some influence, I know not what, the Indian Bureau decided not to open this school and issued an order that the school should be closed. The school was not opened last fall, yet the superintendent was retained there at the school as a sort of caretaker, and all the time all these goods were in the storehouse. In addition to the goods in cans and in boxes, such as 51 cases of canned apples, 22 cases and buckets of apple butter, 4 pounds of allspice, and 2 cases of dried apricots, there are figures given as to the quantity of beans, blackberries, cherries, cloves, including corn meal, 10 hundredweight—half a ton of corn meal—97 hundredweight of flour, 5 buckets of oleo-margarine—these are perishable supplies—375 gallons of corn sirup, and 4,400 pounds of sugar.

Mr. President, when the committee made its tour of Oklahoma in November, some four or five months after the school was closed we visited Mekusukey, and when we got to the little school and made our investigation we were amazed to find that these supplies were still in storage. The superintendent told us that he had no orders for their disposition; that the goods were becoming spoiled; that the mice and rats were in the meal, in the sugar, and in the other supplies. I submit that as one concrete illustration of the inefficiency of some one in the bureau.

At the same time, Mr. President, we found this condition at Mekusukey we found dozens of Seminole Indians in the neighborhood reported to us to be in need, in want of food, actually in distress. We called the attention of the Indian Office to this condition. That office did not seem to know about it.

Mr. Dodd, who supervises the finances, who controls the financial policy of the Indian Service, who controls the legislative policy, so far as recommendations are concerned, with all of his 232 employees in the Indian Service, had lost track of the carloads of supplies at this abandoned Indian school, and these supplies were there going to waste because of the inattention of the Indian Bureau.

Mr. President, I ask unanimous consent to have inserted in the RECORD at this point in my remarks a copy of a letter addressed by the superintendent of this school to the superintendent of education at Muskogee, being a letter from Mr. Asendorf, superintendent, to Mr. Herbert C. Calhoun at Muskogee.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
INDIAN FIELD SERVICE,

Mekusukey Academy, Seminole, Okla., November 13, 1930.

Mr. HERBERT C. CALHOUN,
Supervisor F. C. T., Muskogee, Okla.

DEAR Mr. CALHOUN: The Senate investigating committee has to-day requested me to furnish them with a list of the property and stores of this school that are movable. I did not get this word until afternoon to-day and have hurried to get this off to you in order that it might be presented to them during their stay in Muskogee. Will you please see that they are delivered?

Neither list is an exact list for the reason that the stores cards had not been posted to date, and, further, for the reason that property of an immovable nature was not listed; e. g., water heaters, etc. It was not possible to list the prices of the stores for the reason that a great many of these articles have not as yet been invoiced to us and we therefore have no knowledge of their cost.

Each list consists of five pages, and I am sending them to you in duplicate so that in case they desire only one copy you may keep the other for your files if you so desire.

Thanking you in advance for this favor, I am,

Very sincerely yours,

ALBERT ASENDORF, *Superintendent.*

STORES—MEKUSUKEY ACADEMY—NOVEMBER 13, 1930

Apples, canned, 51 cases.
 Apple butter in cases and buckets, 22 cases and buckets.
 Allspice, 4 pounds.
 Apricots, dried, 2 cases.
 Barley, pearl, 1 hundredweight.
 Beans, pink, 15 hundredweights.
 Beans, red, 20 hundredweights.
 Beans, white, 5 hundredweights.
 Blackberries, 43 cases.
 Beans, canned, green, 37 cases.
 Baking powder, 200 pounds.
 Catsup, 4 cases.
 Cherries, red, 23 cases.
 Cinnamon, 4 pounds.
 Cloves, ground, 2 pounds.
 Coffee, cereal, 524 pounds.
 Coffee, roasted, 150 pounds.
 Cocoa, 24 pounds.
 Corn, canned, 62 cases.
 Cornmeal, 10 hundredweights.
 Cornstarch, 169 pounds.
 Cornstarch, 48 pounds.
 Cereals, 17 cases.
 Dried beef, 1 case.
 Flour, 97 hundredweights.
 Ginger, 5 pounds.
 Hominy, pearl, 2 hundredweights.
 Hard bread, 20 boxes.
 Honey, 2 cases.
 Kraut, 26 cases.
 Macaroni, 27 cases.
 Macaroni, 4 cases.
 Milk, evaporated, 4 cases.
 Matches, safety, 6 10/12 gross.
 Mustard, prepared, 5 cases.
 Nutmegs, whole, 4 pounds.
 Oats, rolled, 10 cases.
 Jam, assorted, 26 cases.
 Oleomargarine, 5 buckets.
 Olives, stuffed, 3 cases.
 Oysters, canned, 8 cases.
 Oil, salad, 9 quarts.
 Paprika, ground, 3 tins.
 Peaches, canned, 1 case.
 Pears, canned, 18 cases.
 Peas, canned, 3 cases.
 Pepper, red, 3 1/2 pounds.
 Pumpkin, canned, 14 cases.
 Plums, canned, 2 cases.
 Peanut butter, 19 buckets.
 Raisins, seedless, 2 cases.
 Rice, 1 hundredweight.
 Salt, coarse, 4 hundredweight.
 Salmon, canned, 17 cases.
 Salt, table, 9 sacks.
 Spinach, canned, 13 cases.
 Shrimp, dried, 4 cases.
 Sirup, corn, 375 gallons.
 Sugar, powdered, 3 cases.
 Sugar, granulated, 44 hundredweight.
 Tuna fish, 3 cases.
 Tea, 10 pounds.
 Vinegar, 50 gallons.
 Bath brick, 19.
 Bluing, 47 boxes.
 Brooms, floor, 16.
 Brooms, household, 45.
 Brooms, stable, 9.
 Brushes, floor, 5.
 Brushes, window, 3.
 Brushes, shoe, 10 1/4 dozen.
 Brushes, military, 240.
 Dusters, counter, 1.
 Mops, oil, 4.
 Mopsticks, 10.
 Pans, dust, 9.
 Soap, chip, 50 pounds.
 Soap, laundry, 15 cases.
 Soap, grit, 137 cakes.
 Soap, scouring compound, 200 pounds.
 Scouring powder, 250 pounds.
 Starch, laundry, 350 pounds.
 Washboards, 4.
 Lye, 10 dozen cans.

Crash, toweling, 500 yards.
 Crossbar, white, 200 yards.
 Flannel, outing, 200 yards.
 Linen, table, 60 yards.
 Linen, India, 20 yards.
 Sateen, gray, 50 yards.
 Sheeting, brown 4/4, 200 yards.
 Toweling, bath, 100 yards.
 Shade cloth, window, light, 100 yards.
 Window-shade rollers, 25.
 Stocking feet, black, 10 dozen.
 Stocking feet, brown, 10 dozen.
 Gloves, canvas, boys, 48 pairs.
 Gloves, canvas, mens, 36 pairs.
 Brushes, clothes, 22.
 Brushes, hair, 221.
 Brushes, tooth, 8 dozen.
 Brushes, tooth, children, 10 dozen.
 Buttons, shirt, aluminum, 20 gross.
 Combs, dressing, 20 dozen.
 Combs, fine, 4 dozen.
 Cotton, darning (assorted colors), 18 dozen.
 Cotton, spool, white, 55 dozen.
 Cotton, spool, black, 30 dozen.
 Cotton, spool, khaki, 5 dozen.
 Laces, shoe, 20 dozen.
 Paper, toilet, 8 cases.
 Silk, machine, sewing, 10 dozen.
 Snap, fasteners (assorted), 40 gross.
 Thread, linen, assorted colors, 6 dozen.
 Pins, S. C., 10 sizes.
 Khaki, cotton, O. D., 100 yards.
 Boots, rubber, assorted sizes, 10 pairs.
 Pitchers, washbowls, 5.
 Clothes baskets, 12.
 Sticks, mop, 5 dozen.
 Bedsteads, iron, white, double, 8.
 Desks, teachers, 2.
 Stools, wood, 10 dozen.
 Handles, spade, short and long, 2 dozen.
 Spades, steel, 10.
 Clevises, for eveners, 20.
 Eveners, hickory, 4.
 Whiffletrees, full ironed, 10.
 Glass, window, assorted sizes, 11 boxes.
 Oil, boiled linseed, 10 gallons.
 Tints for painting, assorted colors, 50 pounds.
 Japan drier, 20 gallons.
 Paint, oak stain, 5 gallons.
 Paint, Princess mineral, 25 pounds.
 Turpentine, 25 gallons.
 Varnish, interior, 10 gallons.
 Grease, axle, 30 pounds.
 Grease, cup, 48 pounds.
 Crock, earthenware, with covers, 2 and 3 gallon, 14.
 Buckets, galvanized, 23.
 Cake turners, 3.
 Cups, measuring, 8.
 Funnels, tin, 2.
 Funnels, tin, 13.
 Forks, cooking, 25.
 Knives, paring, 12.
 Knives, skinning, 2.
 Knives, chopping, 5.
 Kettles, tea, 2.
 Mashers, potato, 3.
 Pans, fry, 1.
 Pans, assorted, 21.
 Pans, milk, 12.
 Pails, water, 6.
 Scoops, grocers, 6.
 Scoops, grain, 3.
 Spoons, basting, 30.
 Steels, butchers, 1.
 Strainers, sink, 3.
 Tops for fruit jars, 4 dozen.
 Burners, lamp No. 2, 19.
 Bowls, soup, 2.
 Bowls, wash, 3.
 Chambers, white, 1.
 Lamp chimneys, 109.
 Lamp chimneys No. 4, 50.
 Dishes, meat, 8.
 Globes for street lamp, 2.
 Globes, lantern, 27.
 Jugs, 15.
 Lanterns, tubular, 1.
 Pan, ice, 1.
 Pitchers, glass sirup, 7.
 Wicks, lamp, assorted, 31.
 Axes, chopping, 3.
 Bags, cavalry ration, 40.
 Bevels, sliding, 1.
 Blades, butchers' saw, 3.
 Bibbs, lever handle, 6.
 Bibbs, compression, 12.
 Butts, 3 dozen.
 Chisels, assorted sizes, 14.

Clippers, barber, 2.
 Dividers, wing, 3.
 Elbows, stovepipe, 2.
 Forks, manure, 10.
 Frames, hacksaw, 2.
 Files, assorted, 23.
 Gouges, assorted sizes, 3.
 Globes, valve, 15.
 Handles, ax, 24.
 Handles, hammer, assorted, 44.
 Handles, file, 8.
 Handles, hay fork, 7.
 Handles, hatchet, 22.
 Handles, plow, 10.
 Handles, shovel, 4.
 Handles, sledge, 3.
 Handles, hatchet, 2.
 Hammers, 3.
 Hasps, 31.
 Hinges, 6.
 Hoes, grub, 2.
 Hooks, meat, 14.
 Irons, sad, 2 dozen.
 Knives, draw gauge, 2.
 Lines, chalk, 5.
 Lines, clothes, 300 feet.
 Mallets, carpenters, 2.
 Nozzles, hose, 3/4-inch, 3.
 Oilers, mowing machines, 18.
 Padlocks, inside, 1.
 Picks, 1.
 Plumbers friend, 10.
 Punches, harness, 1.
 Pliers, 14.
 Rakes, lawn, 1.
 Rakes, steel, 2.
 Rasps, wood, 22.
 Rivets, assorted, 12 pounds.
 Rope, manila, 32 pounds.
 Sandpaper, 5 quires.
 Screw drivers, 4.
 Screws, steel, 8 gross.
 Squares, try, 4.
 Saw, meat, butcher, 1.
 Saw set, crosscut, 1.
 Shovels, square point, 2.
 Takes, blued, 2 1/2 pounds.
 Twine, sisal, 100 pounds.
 Wrenches, assorted, 6.
 Wrenches, pipe, 2.
 Bolts, assorted, 1,250.
 Zinc, sheet, 50 pounds.
 Cloth, wire for screens, 9 rolls.
 Awls, sewing, 1 dozen.
 Knives, shoe, 6 dozen.
 Nails, cobblers, assorted, 3 pounds.
 Leather, harness, 13 pounds.
 Leather, oak, backs, 58 1/2 pounds.
 Cinchas, 3.
 Sweat pads, 10.
 Knives, harness, 1.
 Cord, flexible, for electric lamp, 500 feet.
 Boots, automobile, 3.
 Cement, radiator, 4 cans.
 Gaskets, cylinder head (Ford), 3.
 Hydrometer, battery, 1.
 Lamps, electric, 84.
 Tubes, inner, 4.50 by 21, 5.
 Tubes, inner, 30 by 5, 2.
 Tubes, inner, auto, 3.
 Tube repair material, 2 cans.
 Wires for Ford w/ starter, 2.

Fixed property, Mekusukey Academy, November 13, 1930

1 automobile, Ford tudor (D. S. Rep.)	\$541.40
1 automobile, Chevrolet truck	771.00
1 automobile, Ford coach	607.85
1 augur bit	1.25
1 anvil	13.87
2 augurs, 1 1/4 and 1 1/2	2.20
Books, miscellaneous	480.04
1 basket, wire trash	3.91
2 bedsteads, double, white	15.10
4 bedsteads, double	44.25
110 bedsteads, single	548.60
1 bell, school, 300 pounds	16.95
4 benches, manual training	88.00
633 blankets, mixed	1,662.45
100 blankets, wool and cotton mixed	340.00
2 braces, ratchet	4.80
1 bread mixer, with motor	167.46
1 bread slicer	17.85
1 bin, food receptacle, 66 by 30 by 28	16.00
7 bins, food receptacle, 20 by 30 by 28	56.00
1 binder, corn, one row	128.25
1 bit, expansion	2.50
1 blower, blacksmith	9.43
1 brace, corner	6.50

1 brace, ratchet	\$1.24
2 braces, ratchet	2.26
1 brooder, oil burning	13.50
3 boilers, wash	4.20
1 boiler, cooking, double	6.95
1 boiler, cooking, 5-quart	2.75
1 boomer, log	1.75
1 box, miter	11.50
1 cabinet, blank	25.00
4 cabinets, kitchen	16.00
2 cabinets, filing	10.00
1 cabinet, filing, oak, 4 units	133.20
1 cabinet, victrola	14.95
2 cans, milk, steel	4.80
1 can, oil, 5-quart	2.50
1 case, book	50.00
1 case, book	25.00
1 case, book, 3 sections	35.00
1 casserole	3.41
1 carving set	1.76
1 chains, tire	5.83
72 chairs, dining, oak	136.80
12 chairs, dining, oak	22.68
4 chairs, office	24.00
4 chairs, library	27.50
6 chairs, rocker, upholstered	49.30
10 chairs, rocking, oak	37.50
2 chairs, office	3.11
114 chairs, dining, oak	183.57
15 chairs, rocking, oak	59.18
2 chiffoniers, without glass	25.00
1 chopper, food, No. 73	4.25
1 chopper, food, No. 72	3.25
3 churns	15.00
1 clamp, cabinetmaker's	1.25
4 clamps, cabinet	4.88
1 closet cleaner	2.48
2 clocks, 8-day	9.53
1 cleaver, butcher's	1.18
1 Clipper belt lacer	22.50
2 clocks, 8-day	8.80
6 clocks, 8-day	25.92
1 concrete mixer, without engine	46.75
1 colander, seamless	1.58
5 collars, horse and mule	26.00
1 cooker, aluminum	4.64
2 covers, wagon	13.40
21 counterpanes	39.43
1 cultivator, with No. 31 gangs	46.10
1 cultivator, 2-horse	44.75
2 cultivators, riding	40.00
1 cultivator, weed	11.75
1 cutter, bolt	4.35
1 cutter, bolt	2.85
1 cutter, kraut	2.25
1 cutter, paper	1.88
1 cutter, pipe, 3-inch	8.50
1 cutter, pipe	2.00
1 cutter, ensilage	100.00
13 desks, school	69.32
1 davenport	48.50
4 desks	44.96
1 drag, road	2.40
1 dresser, oak	30.00
9 dressers	45.00
1 dishwasher, Champion	350.00
1 digger, posthole	1.05
1 drill, post	4.87
1 drill, breast	3.50
2 drills, grain and garden	85.00
1 drum, snare	9.91
8 drums, steel, barrel	45.84
3 drums, oil	24.00
2 engines, gasoline	311.25
1 expander, tube	5.50
6 extinguishers, fire	45.39
4 extinguishers, fire	30.96
2 fountains, drinking	22.50
2 fans, electric	28.87
3 flags, United States	8.64
2 freezers, ice cream	16.25
1 furniture, porch, set	62.50
1 furniture, parlor suite	30.00
1 furniture, reed (rocker and chair)	10.00
1 furniture, settee, parlor	21.95
1 generator and engine (light plant)	561.00
1 globe	4.75
3 gongs, electric	20.00
1 gong, metal	9.82
1 griddle, gas, cake	38.75
2 griddles, aluminum	2.96
1 grader, ditcher, terracer	108.27
1 grinder, feed	18.00
1 pump lift	4.00
1 pump jack	18.00
2 racks, perforated to fit 40-quart pots	5.52
1 range, gasoline pressure	78.80
1 rake, hay, sulky	46.50

1 reamer, pipe, 1 inch.....	\$1.30
15 records, victrola.....	22.20
1 refrigerator, electric.....	265.00
1 register, speed.....	1.75
14 rugs, assorted.....	345.66
2 roasters.....	6.95
2 saws, circular.....	14.81
1 saw, crosscut.....	4.83
4 saws, hand.....	5.49
1 saw mandrel.....	4.90
1 saw set.....	1.25
4 saws, back.....	5.40
1 saw, meat.....	2.50
1 saddle, riding.....	26.50
1 safe, iron.....	75.00
4 scales, assorted.....	73.57
2 scales, counter and butcher.....	18.60
3 scrapers ("I" drag).....	36.31
2 scythes, weed.....	2.22
1 seeder, broadcast.....	6.00
1 separator, cream.....	50.00
1 sewer rod.....	13.80
1 snips, tinners.....	3.75
1 shower, portable.....	6.00
1 sheller, corn.....	15.00
1 sprayer, knapsack.....	10.00
3 springs, bed.....	12.00
1 spirit level.....	1.10
2 stands, wash.....	11.33
2 stretchers, wire.....	3.04
1 stool, kitchen.....	1.55
2 stools, piano.....	3.00
5 squares.....	5.75
6 stoves, assorted.....	390.95
2 sets stocks and dies.....	37.48
2 sweepers, electric.....	62.31
30 tables, dining, center, etc.....	294.63
1 table, typewriter.....	3.35
2 tables, sand.....	30.60
3 tapes, measuring.....	8.75
2 testers, milk.....	7.00
1 thermometer, dough.....	5.77
4 tires, automobile, 4.50 x 21.....	21.72
1 tire, automobile, 28 x 4.75.....	12.40
2 tires, truck, 30 x 5.....	23.11
1 tractor, Fordson.....	492.20
1 tongs, chain.....	9.00
2 torches, gasoline blow.....	11.85
1 tools, cement (set).....	5.35
37 tubs, wash, galvanized.....	18.89
1 tweers (tuyers).....	3.20
1 victrola.....	40.00
1 vise, saw.....	1.50
3 vises, blacksmith.....	9.29
1 waffle iron.....	2.69
4 wagons.....	300.06
1 wardrobe.....	4.00
1 wheel, overstretch.....	1.05
1 worker, cement.....	3.50
4 wheelbarrows.....	16.78
1 wrench, pipe, 36-inch.....	4.95
3 wrenches, assorted.....	4.59
1 wringer, clothes.....	3.72

\$15,890.90

LIVESTOCK

1 bull, Holstein.....	50.00
5 cows, Holstein.....	875.00
1 heifer, Jersey.....	5.00
2 mares.....	250.00
4 mules.....	650.00
2 hogs, male.....	40.00
10 sows, brood.....	225.00
10 pigs.....	50.00
150 chickens.....	100.00

2,245.00

Total..... 18,135.90

Mr. THOMAS of Oklahoma. Mr. President, at this time I desire to take advantage of the opportunity to call attention to another feature of the Indian problem. I said on a former occasion that frequently the white population of the country is criticized for having treated the Indian citizens unfairly. I made the statement on a former occasion that for every dollar the white man has robbed the Indian the United States Government has robbed the Indian of a thousand. I still stand on that statement.

The Government has driven these Indians to the West. In most instances it has driven them onto reservations and eventually onto allotments. Gradually their allotments have been dissipated, and now many of these Indians have nothing; they have no land, no property, and many of them have no money. During recent years these Indians have discovered that they have been robbed. For many years they

felt they had been, but for some reason, perhaps through their inability or lack of friends, they could not receive the hearing or attention of the Government. A few years ago some of the more enlightened Indians placed an appeal before the Congress asking the right of the Government to go into the Court of Claims and bring suit, setting up their petition, asking for a hearing, in the hope that a judicial tribunal, after hearing their cause, might give them some relief.

It has been the policy of the Congress during recent years to pass jurisdictional bills permitting the various tribes to file suit in the Court of Claims, setting up their grievances, asking for judgments against the Government, in order that substantial justice might be done them in the future. As a result of this policy, of which I approve, the Congress has passed many jurisdictional bills. Under such jurisdictional bills from 1919 until 1930 many such suits were filed.

As soon as a suit is filed in the Court of Claims, the petition is referred to the Department of Justice. The Department of Justice immediately transmits that petition to the Indian Office, and to the Accounting Office, asking them for a report, requesting these two departments to search the records for a hundred years or more, and to send to the Department of Justice a complete transcript, photostatic copies, and so forth, of such records as it may find. During the first 12 years of this policy the Department of Justice was able to have only 15 of these cases brought to trial, and most of the 15 cases were dismissed on demurrer or for want of prosecution.

The Indian tribes and their attorneys, working since 1919 to get these cases to trial, had failed or could make no progress, and they appealed to the Indian Affairs Committee of the Senate. An investigation was held. The investigation started last year. I personally sent a letter to Mr. Stormont, the particular agent or assistant attorney generally assigned to this class of work, asking for a statement. He replied to my letter, and in this connection I desire to insert in the RECORD the reply of Mr. Stormont.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 17, 1930.

HON. ELMER THOMAS,
Senate Office Building, Washington, D. C.

DEAR SENATOR: In response to your request I beg to say that I have appeared for the Government in the Court of Claims in all "Indian" cases which were pending in 1919, and have represented the Government in that court in all such cases which have been filed subsequent to that date.

Below is a list of such cases which have been disposed of and in all of which I have appeared, for the Government:

No. 34677. Iowa Tribe.
No. 15457. Congressional, Pawnee Tribe; dismissed.
No. 17324. Congressional, Pawnee Tribe.
No. 17356. Citizen Band of Pottowatomies; filed 1892.
No. 33728. Mdewakanton and Wahpekute Sioux.
No. 33733. Mdewakanton and Wahpekute Sioux; dismissed.
No. 33731. Sisseton and Wahpeton Sioux.
No. 34449. Cherokee Nation; dismissed.
B-38. Osage Nation.
D-546. Yankton Sioux.
D-552. Stockbridge Indians; dismissed.
F-202. Stockbridge Indians; dismissed on demurrer.
E-359. Assiniboine Tribe; dismissed on plaintiffs' motion.
F-168. Creek Nation; dismissed on demurrer.
H-121. Opanogan et al. Indians; dismissed—pocket veto—no jurisdictional act.

K-268. Moncrief (Choctaws and Chickasaws); dismissed.

The following cases are all of the Indian cases that are now pending in the Court of Claims and in all of which I represent the Government:

K-103. Arapaho and Cheyenne Tribe.
B-449. Arikara et al. Indians.
J-31. Assiniboin Tribe.
E-427. Blackfeet et al. Indians.
K-344. Indians of California.
K-501. Lower Chehalis Tribe.
H-47. Cherokee Nation.
J-8. Cherokee Nation.
K-17. Cherokee Nation.
L-46. Cherokee Nation.
K-334. Chickasaw Nation.
K-335. Chickasaw Nation.
K-336. Chickasaw Nation.
K-376. Chickasaw Nation.

K-544. Chickasaw Nation.
 H-76. Chippewa Indians of Minnesota.
 T-155. Chippewa Indians of Minnesota.
 H-163. Chippewa Indians of Minnesota.
 H-192. Chippewa Indians of Minnesota.
 H-279. Chippewa Indians of Minnesota.
 F-182. Choctaw Nation.
 J-231. Choctaw Nation.
 K-187. Choctaw Nation.
 K-260. Choctaw Nation.
 K-281. Choctaw Nation.
 F-181. Choctaw and Chickasaw Nations.
 H-37. Choctaw and Chickasaw Nations.
 J-619. Choctaw and Chickasaw Nations.
 J-820. Choctaw and Chickasaw Nations.
 K-345. Coos Bay.
 F-205. Creek Nation.
 F-369. Creek Nation.
 F-371. Creek Nation.
 F-372. Creek Nation.
 F-373. Creek Nation.
 H-510. Creek Nation.
 L-78. Creek Nation.
 H-248. Crow Tribe.
 E-353. Delaware Tribe.
 E-493. Delaware Tribe.
 H-221. Delaware Tribe.
 H-222. Delaware Tribe.
 H-226. Delaware Tribe.
 F-275. Dwamish et al. Indians.
 B-415. Flandreau Band of Sioux.
 F-64. Kaw Tribe.
 E-344. Klamath et al. Tribes.
 E-346. Klamath et al. Tribes.
 E-350. Klamath et al. Tribes.
 K-107. Nez Perce Tribe.
 J-691. Nisqually Tribe.
 L-4. Ponca Tribe.
 L-23. Quinaielt Tribe.
 H-211. Saginaw et al. Chippewa.
 L-51. Seminole Nation.
 L-87. Seminole Nation.
 L-88. Seminole Nation.
 L-123. Seminole Nation.
 H-219. Shoshone Tribe.
 C-531. Sioux Nation.
 K-41. Steilacoom Tribe.
 L-33. Suatille Tribe.
 E-542. Wichita et al. Tribes.
 D-776. Yankton Sioux.
 Very truly yours,

GEORGE J. STORMONT,
 Attorney.

Mr. THOMAS of Oklahoma. After the examination had proceeded for some little time, and it was disclosed that there were pending in the Court of Claims something like 90 cases, when it was disclosed that there was but one attorney in the Department of Justice engaged in looking after those cases, when it was disclosed that at the present rate it would take 75 or 80 years to get these cases to trial, thereupon the committee took the matter up with the Attorney General.

I will place in the RECORD, under the permission just granted, a copy of a letter written by me to the Attorney General and a copy of his reply thereto.

The letters referred to are as follows:

MAY 27, 1930.

Hon. WILLIAM D. MITCHELL,
 The Attorney General, The Department of Justice,
 Washington, D. C.

MY DEAR GENERAL MITCHELL: Supplementing the statements made in our conference of this morning, relating to the status of Indian claims pending before your department and the Court of Claims, beg to submit the following data for your consideration.

Oklahoma has approximately one-half of the Indians of the entire United States and, therefore, approximately one-half of the Indian claims come from my State. Recently I addressed a letter to Mr. George T. Stormont, requesting information as to the status of the several claims and, on April 17 he advised me that he had had charge of this particular class of business since 1919 and that to date some 16 cases have been disposed of by trial and dismissal. Further, he advised that there were pending at that time in the Court of Claims 65 cases, and I have information that since April 17, 6 additional cases have been filed, which makes the total now 71.

I am advised that when a petition is filed in the Court of Claims a copy of such petition is immediately forwarded to your department and is referred to Mr. Stormont for attention. I am further advised that the procedure is for the petition to be referred to the Indian Bureau and to the General Accounting Office for a full and complete report. The Indian Bureau and the General Accounting Office, not knowing just what information is required, proceed to search their files and make copies of every document, instrument, and letter which in any way refers, even remotely,

to the petition referred. As a result of this practice I am advised that some of these petitions require the Indian Office and the General Accounting Office to make exhaustive investigations and to prepare a vast amount of data which finally is returned to your department for the consideration of Mr. Stormont in preparing his answer to such petition.

I have information to the effect that there are now some 18 cases fully reported by both the Indian Office and the Accounting Office and returned to your department. This information is taken largely from the Annual Report of the Comptroller General, 1929, where on page 120, under the title "Indian tribal claims and accounts," it is stated that the comparatively few cases reported upon show total claims against the Government in the sum of over \$500,000,000. I think it not unreasonable to state that the total claims embraced in the 71 cases pending before the Court of Claims would probably total in excess of \$1,000,000,000. No doubt there are many jurisdictional laws under which petitions have not as yet been filed, and, if this is correct, and I am sure it is, the total claims or cases filed and to be filed under existing law, greatly exceed the number of 71 before mentioned.

In addition to the foregoing, I have made a tabulation of similar bills now pending before Congress and find, in the House and Senate, 49 additional measures seeking jurisdictional authority to file claims in the Court of Claims. My investigation to date, while not at all thorough, convinces me that the total mass of litigation of this class authorized by Congress will be very large and it was because of such conviction that I sought an interview with you to-day. My investigation prompts me to submit to you, for your consideration, the following suggestions:

First, the force in your department assigned to this particular class of business should be materially increased.

Second, that, instead of the several petitions being referred to the Accounting Office and to the Indian Office for a general report without instructions as to what information is desired, a study should be made of the several petitions and the Accounting Office and the Indian Office advised and instructed as to what data to procure and submit.

It is my opinion that, if such a procedure can be followed, the time consumed in making a report upon any given petition can be materially decreased, and the consequent expense materially reduced. It occurs to me that this particular class of business has developed into such proportions that a real department could be created with perhaps as many as five or six attorneys with the necessary clerical help to prepare and try these claims against the Government.

After you have made an investigation into this matter, if you agree that something should be done and will indicate just what you think would be advisable in the way of additional personnel and the incident expenses thereto, I will gladly undertake to procure the funds before this Congress adjourns. In all probability you do not have available funds to extend this work, and if you agree that something should be done and will indicate the amount of funds needed for the coming fiscal year I shall be glad to present the matter to the Congress in hope of affording relief along the lines indicated.

Respectfully submitted.

ELMER THOMAS.

DEPARTMENT OF JUSTICE,
 Washington, D. C., June 24, 1930.

Hon. ELMER THOMAS,
 United States Senate, Washington, D. C.

MY DEAR SENATOR THOMAS: I have your letter of the 27th ultimo with reference to the status of the suits by Indian tribes in the Court of Claims. I have inquired into the matter.

The delay in the trial of these cases, all of which by no means can be attributed solely to the Government, has been due principally to the inability of the Accounting Office, without any fault on its part, to report promptly upon the petitions which were submitted to it. Prior to 1925 the Accounting Office had but one man who was available for this work. Naturally, very little was accomplished. In that year the Congress provided funds which enabled the Comptroller General to assemble a force of competent accountants and clerks. Much time was necessarily consumed in putting this force upon an efficient working basis and in collecting and arranging the scattered records. The first report from the Comptroller General after the assembly of this force was received in May, 1927, and to date 16 cases (not 18 as stated in your letter) have been reported upon; and the comptroller estimates that all reports upon the cases now before him (approximately 50) will be completed by the middle of 1933. Everything considered, this is as rapid progress as is consistent with efficient work and the interests of the Government.

The task put upon the Accounting Office by reason of this litigation is enormous. Literally millions of separate documents (claims, settlements, disbursing officers' statements, and the supporting vouchers) will have to be examined, tabulated, and audited by the time the work is completed. In the Sioux case alone more than one-half million such documents have been examined and audited. Many of these documents are in such dilapidated condition that they have to be repaired with transparent tape and then handled with extreme caution; and on many the writing is so faded from age or exposure as hardly to be discernible even with the aid of a strong glass.

As you know, a suit of this character can only be instituted in the Court of Claims where the Congress has especially authorized it and given jurisdiction to the court to adjudicate it. Prior to

1920 cases of this character were comparatively infrequent. Since that date a total of 29 jurisdictional acts have been passed. Under 26 of them a total of 80 petitions have been filed. Ten of these cases have been disposed of, leaving 70 pending at this time. In addition to these 10 cases, 7 other cases, which were filed under acts passed prior to 1920, were also disposed of. Under three of the total number of jurisdictional acts passed to date (to wit, with reference to the Winnebagos, Pottawatomies, and North-western Shoshones), no petitions have as yet been filed.

The preparation of one of these cases for trial is a very laborious, tedious, and lengthy matter for both sides. The transactions out of which the claims arise occurred anywhere from 50 to 100, or more, years ago. The records connected therewith are often scattered, misplaced, mutilated, difficult to locate, or lost entirely. Sometimes months are consumed in the search for essential records. Apparently it even takes years, after suit is authorized, for the plaintiff's attorney to secure the information upon which to base a petition. For instance, all of the acts authorizing suits by the Five Civilized Tribes were passed in the first part of 1924, yet the first petition thereunder was not filed until more than two years had elapsed, and the Creeks apparently are not through filing their petitions yet. The Seminoles did not file their first petition until February of this year, nearly six years after the passage of the jurisdictional act. In the three cases of the Klamaths, where the jurisdictional act was passed in 1920 and the petitions filed in 1925, and in other cases where the lapse of time is almost as great, the tribes have not yet concluded their testimony. In very few instances have petitions been filed within less than a year after the passage of the act.

The filing of the petition is the first intimation that this department has that there is such a controversy as is set forth therein. This department has no knowledge or records concerning it. All that is known about it is what is stated in the petition. The petition is promptly forwarded to the Interior Department, which has all the records and information about the claim, with a request for a statement of the facts and copies of the pertinent records. Having no knowledge of the facts of the claim and not knowing what records are in the Interior Department concerning it, it is obvious that this department can not advise the Interior Department what records to look for or what facts to report upon. It has been the experience of the department that the Interior Department, instead of reporting a vast amount of irrelevant facts and transmitting a vast amount of irrelevant documents (such being the intimation in your letter), very often does not transmit enough information, records, and data, necessitating further calls from this department for additional and material information. As to the Accounting Office, their reports are usually very complete, but I have no knowledge of any case where the report contained more information than was actually necessary in the particular case.

The grant of jurisdiction is usually "to consider and determine all legal and equitable claims," or "to hear and adjudge all claims arising under or growing out of" certain treaties, agreements, or acts of Congress, to adjudicate "all claims of whatsoever nature" which the tribe may have. Under this broad authorization, nearly all of the tribes in the pending suits have filed demands for an accounting either with reference to one or more specific funds or transactions or with reference to all financial transactions between them and the Government. About 30 of the petitions now pending involve an accounting with reference to specific funds or transactions, and more than 20 include claims for a general accounting. All of the Five Civilized Tribes have filed petitions demanding an accounting with reference to specific funds and transactions and also for a general accounting. This latter demand necessitates an examination and audit of accounts running as far back as 1789.

Necessarily such petitions as these have to be referred to the Comptroller General for a statement of the facts and an audit of the account. It hardly seems probable that a lawyer could furnish advice or instruction of any value to an accountant as to how to state an account. However, when difficulties or doubts arise in the Accounting Office over matters concerning which this department could not possibly know anything unless it had the records, it is the practice of the official in charge of the work to confer with the attorney in this department having the case in charge, and the difficulties are ironed out in this way without any loss of time.

In addition to the grant of jurisdiction to adjudicate the claims of the Indians the court is usually given jurisdiction of "any legal or equitable set-offs or counterclaims, including gratuities," or is directed to allow the United States "credit for any sums expended for the benefit of said Indians." Under provisions such as these it is necessary to refer practically every petition to the Comptroller General for a statement of all money expended for or on behalf of the particular Indian tribe and the source of such money in order that the court may determine how much money has been expended gratuitously for their benefit or whether any legal or equitable counterclaims arise because of such expenditures. Such requests as these involve a tremendous amount of work on the part of the Accounting Office, and in some cases the result may show that the United States has nothing to offset. But no one can say in advance of an audit that the United States has or has not any such offsets, and in compliance with the congressional direction the work has to be done.

With reference to your statement that you have information that there are now 18 cases fully reported upon by the Accounting Office and evident impression that these reports are being withheld in this department, I beg to say that to date 16 cases have been reported upon by the Comptroller General. The first

report, in the Iowa case, was received in May, 1927; the last, in the Yankton Sioux case, in February, 1930. Eleven of these reports have been filed in the Court of Claims. The other five have not yet been filed. The report in the Yankton Sioux case has not been filed for the reason that that case, by order of the court, is to be heard with the Sioux case, and the Comptroller General has not yet finished his report thereon. The reports in the Assiniboine case, the Crow case, the Wichita and Caddo case, and the Klamath case, received, respectively, in May, 1928, October, 1929, October, 1929, and June, 1928, have not been filed for the reason that the tribes have not yet completed their cases. In each of these cases, however, the attorneys for the Indians have had free access to the reports practically from the date of their receipt in this department, so that if there is any delay in these cases it can not be attributed to the defense.

My general review of the situation has led me to the conclusion that until the present time there has been no great need of enlarging the force of lawyers in this department to deal with these cases. I am heartily in accord with your view that everything possible should be done to expedite these cases. Effective July 1, two additional attorneys have been assigned to this work. I have not believed, however, that I should be justified in asking for emergency deficiency appropriations at this time.

Sincerely yours,

WILLIAM D. MITCHELL,
Attorney General.

Mr. THOMAS of Oklahoma. Mr. President, as the result of this activity of our committee last year the Attorney General increased the personnel, the force, in his department to take care of these cases to the extent of 200 per cent; in other words, he increased the number from 1 to 3. This winter, as a part of the activities of the subcommittee, we went into this matter further, and in order that those who may be interested may have the record, which has not as yet been printed, I desire at this time to place in the RECORD the testimony of Mr. Stormont, the agent of the Department of Justice. I read as follows:

TESTIMONY OF GEORGE T. STORMONT

The witness was sworn by the chairman.

Senator THOMAS of Oklahoma. What department of the Government are you employed in?

Mr. STORMONT. The Department of Justice.

Senator THOMAS of Oklahoma. What position do you occupy in the Department of Justice?

Mr. STORMONT. Special assistant to the Attorney General.

Senator THOMAS of Oklahoma. How long have you been in the Department of Justice?

Mr. STORMONT. Thirty-two years.

Senator THOMAS of Oklahoma. How long have you been in this particular position?

Mr. STORMONT. I have been an attorney for 20 years.

Senator THOMAS of Oklahoma. You mean by that, you have been in charge of these claims for 20 years—claims cases?

Mr. STORMONT. I have been in charge of this particular class of litigation since 1919.

Senator THOMAS of Oklahoma. Were you assigned to this work when this class of cases first came to the Department of Justice?

Mr. STORMONT. No, sir; there have always been Indian cases in the Court of Claims at various times, and I succeeded to the charge of that class of work when Mr. Anderson resigned to be connected with the Court of Claims; but there have always been Indian cases in the Court of Claims, almost from the start of the court.

Senator THOMAS of Oklahoma. You have had charge, then, of the Government cases wherein Indians are bringing suits against the Government since 1919?

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. From 1919 to April 7, 1930, tell the committee how many cases were disposed of under your supervision.

Mr. STORMONT. I could not give you that information offhand, Senator. I think my letter discloses that, or the department's letter.

Senator THOMAS of Oklahoma. I hand you a copy of the letter I received in last April, of date April 17, from you, in which you give a list of some 15 cases that have been disposed of. Am I correct in understanding that that is the complete list of cases that have been disposed of until 1930?

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. Eleven years, and 15 cases; that is at the rate of 1 case plus a year. There are now 85 cases pending. At that rate it will take something like 60 years to complete this work.

Mr. STORMONT. Well, Senator, that argument does not quite follow, because that was all the cases that were pending up to 1922, I think it was, when the Sioux petition was filed. Prior to that there had been very few cases.

Senator THOMAS of Oklahoma. Then the cases were practically all dismissed. Fifteen were disposed of since 1919. The Pawnee case was dismissed. The Pottawatomie case was filed in 1892. The cases with the unpronounceable names of the Indians were dismissed.

The Cherokee Nation cases were dismissed.

The Stockbridge Indian cases were dismissed, two of them.

The Assiniboine Tribe case was dismissed on the plaintiffs' motion.

The case of the Creek Nation was dismissed on demurrer.

The case of Opanogan and others was dismissed.

The pocket vote case was dismissed.

The Choctaw-Chickasaw Nation case was dismissed.

How many cases are you handling now?

Mr. STORMONT. There are 86, I think, pending, Senator.

Senator THOMAS of Oklahoma. When a case is filed in the Court of Claims and the petition is sent down to your office, what is done with it?

Mr. STORMONT. A request is made on the Department of the Interior and the Comptroller General, under provisions of the statutes, for information with respect to the claim, and also for information with respect to any counterclaims which may be available to the United States in the trial of the case. A copy of the petition is sent out to each of these departments, with a form letter, with the form filled in.

Senator THOMAS of Oklahoma. Have you a copy of one of those forms?

Mr. STORMONT. No.

Senator THOMAS of Oklahoma. Will you furnish the committee with one of those forms?

Mr. STORMONT. I will be glad to do so.

Senator THOMAS of Oklahoma. Mr. Chairman, when this form is furnished I ask that the same be inserted in the record.

The CHAIRMAN. Without objection, the request of Senator THOMAS is granted, and it is ordered that the form mentioned be made of record.

I ask at this time that this form, which was furnished our committee, be likewise printed at this point in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

URGENT

DEPARTMENT OF JUSTICE,
Washington, D. C., _____, 19—.

— v. The United States. In the Court of Claims, No. —
(Petition filed _____, 19—)

SIR: As required by section 188 of the Revised Statutes of the United States, I herewith transmit a copy of the petition filed by the claimant in the above-entitled suit (which appears to be founded upon an alleged contract, or transaction with your department, or some bureau, officer, or agent thereof, or upon a matter or thing which has been passed upon and decided by the department, or some bureau or officer thereof), and request that your department, or its proper bureau or officer, will furnish to me all facts, circumstances, and evidence in the possession or knowledge of such department, bureau, or officer touching the claim therein set forth.

I beg leave to call your attention to the following provisions of the said section relating to the duty of the department, bureau, or officer responding to such request:

"Such department, bureau, or officer shall, without delay, and within a reasonable time, furnish the Attorney General with a full statement, in writing, of all such facts, information, and proofs.

"The statement shall contain a reference to or description of all such official documents or papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the department, office, or place where the same is kept or may be procured.

"If the claim has been passed upon and decided by the department, bureau, or officer, the statement shall succinctly state the reasons and principles upon which such decision was based.

"In all cases where such decision was founded upon any act of Congress, or upon any section or clause of such act, the same shall be cited specifically; and if any previous interpretation or construction has been given to such act, section, or clause by the department, bureau, or officer, the same shall be set forth succinctly in the statement, and a copy of the opinion filed, if any, shall be annexed to it.

"Where any decision in the case has been based upon any regulation of the department or where such regulation has, in the opinion of the department, bureau, or officer transmitting such statement, any bearing upon the claim in suit, the same shall be distinctly quoted at length in the statement."

If the official documents or papers referred to should be voluminous, much labor will be saved by transmitting them with the statement, to be duly returned after inspection.

You are especially requested to advise me of any counterclaim, set-off, or other demand existing in your department or in any other department to your knowledge which would furnish the basis of a cross action against the claimant in this suit. The counterclaim or other demand need not necessarily arise out of the contract pleaded in this suit, but may arise out of an entirely separate and independent contract, undertaking, or matter.

It is desired also that you transmit to me, upon a separate sheet, a list containing the names and addresses of officers and other persons who can probably testify on behalf of the Government in this suit.

In this connection attention is called to the provisions of the rule of court requiring that the Government's answer, plea, demurrer, or counterclaim must be filed within 60 days after filing of the petition. It is very essential, therefore, and it is urgently requested, that the response to this call be returned to the Department of Justice within 30 days after the petition has been filed, so that sufficient time may be allowed the attorney to whom the defense of this case has been assigned to prepare and file in court the answer or whatever other pleading may be deemed appropriate to set up the Government's defense.

Please return the inclosed petition with your reply.

Very respectfully,

Assistant Attorney General
(For the Attorney General).

Hon. _____,

Mr. THOMAS of Oklahoma (reading):

Senator THOMAS of Oklahoma. When a petition comes in, what examination do you make of that petition?

Mr. STORMONT. None at all. As a matter of fact, petitions in cases, whether in Indian cases or contract cases, are sent with a request for information which we are authorized under the statutes to request.

Senator THOMAS of Oklahoma. When a case reaches you, then you send it on to the proper bureaus in the Indian Office and other Government offices, and you have nothing further to do with that case until the two departments make their report? Is that correct?

Mr. STORMONT. We initiate no action. Of course, in the meantime there may be testimony taken, witnesses may be produced on behalf of the plaintiff, and the calls for information on the department may be filed by the plaintiff, but no action is taken on our part.

Senator THOMAS of Oklahoma. Does the plaintiff take testimony before the Government has entered its answer?

Mr. STORMONT. We file, within the rule time prescribed by the court, a general traverse, which is equivalent to a general denial in a law case.

Senator THOMAS of Oklahoma. That holds up the case, then, until such time as you can amend and withdraw your general denial and file a specific answer?

Mr. STORMONT. Ordinarily in any case—I am talking generally now of cases in the Court of Claims—answers are not filed. Sometimes, of course, we demur or make motions to dismiss for various reasons. We may make a plea to the jurisdiction or do various things of that sort.

Senator THOMAS of Oklahoma. On the 17th of last April, when you wrote this letter, tell the committee, if you remember, how many cases you had under consideration at that time?

Mr. STORMONT. I think there were some 72 or 70, as I recall, Senator.

Senator THOMAS of Oklahoma. Have you any idea of the possible amount of money involved in those petitions?

Mr. STORMONT. A great many of them, Senator, fail to state any amount. They simply ask for such amount as the facts develop is due the tribe. But on the basis of other cases we have estimated that the total amount involved, including the Government's counterclaims, would be slightly over or around \$2,000,000,000.

Senator THOMAS of Oklahoma. At that time, then, you had pending under your jurisdiction something like 75 cases, with a consolidated claim against the Government totaling approximately \$2,000,000,000, and upon that statement I want you to tell the committee what assistance you were furnished by the Department of Justice to take care of this class of business.

Mr. STORMONT. If the emergency arose, when I needed help, and I could not take care of the matter myself, some other attorney in the department would handle the matter for me.

Senator THOMAS of Oklahoma. Did you have regular quarters assigned to you down at the Department of Justice?

Mr. STORMONT. I had my office; yes.

Senator THOMAS of Oklahoma. Did you have an office at that time?

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. How much room did you occupy?

Mr. STORMONT. One room.

Senator THOMAS of Oklahoma. How large is that room?

Mr. STORMONT. The room I had then—there were about seven in the section, I guess.

Senator THOMAS of Oklahoma. Who occupied that room with you?

Mr. STORMONT. Just myself.

Senator THOMAS of Oklahoma. Did you have any law clerk there doing work of any kind?

Mr. STORMONT. No; we have the pool system of stenographers in our division. A stenographer is not assigned to an attorney. We have a number of them, and we draw on them as we need them.

Senator THOMAS of Oklahoma. But you alone were undertaking to handle this volume of business, except when you made a request to the department for assistance?

Mr. STORMONT. Well, Senator, it was not quite such a stupendous task as your question would seem to intimate.

Senator THOMAS of Oklahoma. I am inclined to agree with you, the way it was handled.

Mr. STORMONT. The cases were so slow in being prepared for trial—I am not talking about our own department now—that one attorney at that time was all that was necessary for the work. If we had had more they would not have had anything to do.

Senator THOMAS of Oklahoma. At this point I want to introduce in the record a letter received from Mr. Stormont, and let the letter be printed minus the pencil notations.

For the benefit of the record I want to say that when I received that letter from Mr. Stormont I wrote to Mr. Mitchell, Attorney General, calling attention to the facts that were disclosed not only in Mr. Stormont's letter but in the petition. At that time I addressed a letter to Mr. Mitchell, Attorney General, copy of which I submit for the record.

Also, in this connection, I want to introduce the reply of the Attorney General, in which he admitted that the department was not giving this particular business the attention that it should, and for the benefit of the committee I want to read the last paragraph [reading]:

"My general review of the situation has led me to the conclusion that until the present time there has been no great need of enlarging the force of lawyers in this department to deal with these cases. I am heartily in accord with your view that everything possible should be done to expedite these cases. Effective July 1, two additional attorneys have been assigned to this work. I have not believed, however, that I would be justified in asking for emergency deficiency appropriations at this time."

There follow a copy of a letter received from Mr. Stormont, a copy of a letter prepared by myself and sent to Mr. Mitchell, and a copy of his letter in reply, all of which I already have permission to insert in the RECORD.

I continue reading:

Senator THOMAS of Oklahoma. Beginning July 1, tell the committee what was done to enlarge your office assistance.

Mr. STORMONT. One attorney and one junior attorney were appointed.

Senator THOMAS of Oklahoma. Who are they? Give the names.

Mr. STORMONT. Walter C. Shoup, of Idaho, and Mr. Michael J. Rock, of Vermont.

Senator THOMAS of Oklahoma. What have you done since April last? At that time you reported that 16 cases had been disposed of. How many cases have been disposed of since that time?

Mr. STORMONT. The Fort Berthold Indian case has been tried and a judgment entered by the court, and it is a question whether or not it shall be taken to the Supreme Court. That is under consideration.

Senator THOMAS of Oklahoma. What other case has been disposed of?

Mr. STORMONT. I can not recall any other.

Senator THOMAS of Oklahoma. You maintain your record, then, of one a year, all right. It is practically a year—almost a year—now.

Mr. STORMONT. Yes; I think that is the only case.

Senator THOMAS of Oklahoma. How many cases have you now pending in your office?

Mr. STORMONT. Eighty-six.

Senator THOMAS of Oklahoma. Upon which reports have been made by the Accounting Office, which have not been brought to trial?

Mr. STORMONT. The Assiniboine case, the three Klamath cases, the Wichita case, the Kaw case, the Crow case, three Delaware cases. I think that is all.

Senator THOMAS of Oklahoma. Those cases are now ready for trial?

Mr. STORMONT. No; the only ones that are ready for trial are the three Delaware cases.

Senator THOMAS of Oklahoma. When do you expect to get those to trial?

Mr. STORMONT. They will probably be on the February or January calendar of the court.

Senator THOMAS of Oklahoma. Then you have six or seven cases that have been reported on that have not been prepared for trial?

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. When do you expect to get them to trial?

Mr. STORMONT. We are awaiting action of the plaintiffs in those cases. The Government is ready, except in one case, the Wichita case.

Senator THOMAS of Oklahoma. You are not ready in the Wichita case?

Mr. STORMONT. No; neither is the plaintiff.

Senator THOMAS of Oklahoma. Why is not the Government ready in the Wichita case?

Mr. STORMONT. We have some examinations to make of the State archives in Texas, which we intend to do next month; as soon as Mr. Rock, who has had to go home on leave of absence on account of illness returns. He will then be sent down there.

Senator THOMAS of Oklahoma. Did you request Mr. Mitchell, or the previous Attorney General, to give you assistance in getting this work out?

Mr. STORMONT. Not until this spring.

Senator THOMAS of Oklahoma. You mean this spring?

Mr. STORMONT. Of 1930, in April or May; and as the result of that, Mr. Shoup and Mr. Rock were appointed.

Senator THOMAS of Oklahoma. Have you any suggestion to make to the committee now as to what should be done, if anything, or what could be done, to speed up these cases and get them ready for trial?

Mr. STORMONT. Yes. I happened to run into Mr. Mitchell a day or two ago, and he told me that my recommendations with reference to additional help had been remembered, and had been passed upon by the Budget, and suggested that the committee might help in that way, in seeing that our amounts are not cut down.

Senator THOMAS of Oklahoma. If it is proper, will you tell the committee what your recommendations were?

Mr. STORMONT. Based on the estimate of work on these cases, when they would be finished by the Comptroller General's Office, I estimated that by the end of the fiscal year 1932 we would be called upon to prepare for trial 20 cases. That is the maximum, as I see it.

Based on that number, I estimated that we would need two and possibly three additional attorneys, and recommended that provision be made for their appointment as needed. We do not need them now.

That recommendation was approved by Mr. Rugg, and by the Attorney General, and was passed, I believe, by the Budget Bureau.

Senator THOMAS of Oklahoma. Referring to case F-205, just spoken of by Mr. Smith, there is no counterclaim discovered in that case, I believe.

Mr. STORMONT. The Interior Department advised us in that case of two counterclaims, and advised us that that was all their records disclosed.

Senator THOMAS of Oklahoma. That was in 1927.

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. This is 1930, three years later. Why has not that case been gotten ready for trial?

Mr. STORMONT. Because we have not yet been advised by the Comptroller General whether their records disclose counterclaims, and under that act the court is directed to consider counterclaims on behalf of the Government. In other words, Congress wants the department to set up whatever counterclaims we have, and we can not do that until the Comptroller General has advised us whether his records disclose any.

Senator THOMAS of Oklahoma. You have had a request from the accounting officer of the Budget, have you not?

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. Why have you not replied to it?

Mr. STORMONT. Are you referring now to the letter of November 3 which Mr. Smith had?

Senator THOMAS of Oklahoma. Yes.

Mr. STORMONT. That was not with reference to this case. I think that was in reference to the case H-510, the general accounting petition. The reason that we have not answered that, Senator, is that it may involve our appropriation, and that it may involve further delay in the case and additional expense to the Government, and I do not feel like taking the responsibility of making that recommendation until Mr. Rugg, my chief, understands the situation, and either agrees with me or disagrees with me, and I have not had an opportunity as yet of consulting with him on that matter.

Senator THOMAS of Oklahoma. When do you expect to have an opportunity, if ever?

Mr. STORMONT. I hoped to do so this week; but he has been so extremely busy in the Supreme Court that it has been impossible.

Then, as I looked at the situation, there is no necessity for speed, because the report in H-510 can not be finished for five or six months anyway, in the Accounting Office, and as a matter of fact our letter, which was forthcoming any time within a month or so of the completion of their work, would be in ample time.

Senator THOMAS of Oklahoma. You have never seen any occasion, have you, of any undue effort to get these cases ready for trial?

Mr. STORMONT. I beg your pardon?

Senator THOMAS of Oklahoma. You have never seen any particular reason why you should work overtime to get these cases ready for trial, have you?

Mr. STORMONT. I do not quite understand that question, Senator.

Senator THOMAS of Oklahoma. Well, I do not think you do.

The CHAIRMAN. In other words, has there been any unnecessary delay in your department?

Mr. STORMONT. None at all.

Senator THOMAS of Oklahoma. Then you think you have advanced the work as rapidly as it could have been done?

Mr. STORMONT. No case has been delayed by the Department of Justice. Whenever a case has been ready for trial by the plaintiff, and the necessary information has come to us from the Interior Department or the Comptroller General, we have been, I can say, I think, fairly prompt in preparing our end of the case for the court's consideration. I think any attorney on the other side will bear me out in that statement.

Senator THOMAS of Oklahoma. To me the complaint is uniform and universal that they do not get any attention from the department or any cooperation in getting these cases ready for trial.

Mr. STORMONT. I only know of one source of information of that sort or complaint of that sort, which is the attorneys for the tribes of Indians. We could put those on the stand, if there is an issue raised. I know of no information of any dissatisfaction, to the department or to me, or to my chief, Mr. Rugg.

Senator THOMAS of Oklahoma. Here is a copy of a letter of April 23, 1929 [reading]:

APRIL 23, 1929.

Hon. JOHN A. ELMORE,

Commissioner, United States Court of Claims,
Washington, D. C.

DEAR SIR: At an informal conference with Mr. Stormont and myself you requested that we each present you a written statement in regard to the reasons for delay in the trial of these cases. I herewith hand you such statement.

Yours truly,

E. J. VAN COURT.

Mr. STORMONT. That is the one I had reference to.

Senator THOMAS of Oklahoma. That is the one you had reference to?

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. No complaints in the Wichita case?

Mr. STORMONT. No. Now, I am talking about the Department of Justice, Senator. There has been complaint about the delay in getting our reports from the Accounting Office. No attorney, that I know of, has attributed the delay to the Department of Justice.

Senator THOMAS of Oklahoma. Have you not had conferences with the Court of Claims and the several judges down there about these cases, and on numerous occasions have you not been forced to make explanations and excuses as to why you were not ready to go to trial in these cases?

Mr. STORMONT. The docket is called at the opening day of the term, the first Monday in December, and I state the situation then to the chief justice, in response to the call of the docket.

Senator THOMAS of Oklahoma. You want the committee, then, to understand the Department of Justice is handling these cases in the proper manner?

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. With proper dispatch and efficiency, and that you have no suggestion to make whereby they might be speeded along to trial?

Mr. STORMONT. I will say that so far as the Department of Justice is concerned, I believe they have been handled as expeditiously as possible; and right here, Senator, I would like to say that we do not attach any blame to the Comptroller General's office for their failure to report on the cases. It is a condition for which they are not to blame. But we do say that the reason for the delay is the length of time it takes to get a case through the Comptroller General's Office.

Senator THOMAS of Oklahoma. Do you read these petitions before they are sent down to the Indian Office?

Mr. STORMONT. No; and they are very often sent down before they are even assigned to me.

Senator THOMAS of Oklahoma. Has it been necessary in all these cases to have the records searched back for a hundred years—I will say 100 years—searching the records not only here, but in other States, to ascertain whether or not there might be some cases you have overlooked?

Mr. STORMONT. Senator, the acts under which these cases are filed generally provide or confer jurisdiction upon the court over counterclaims on behalf of the Government. Now, so far as the Comptroller General's Office is concerned, the only possible counterclaim which would be established by their records would be established by the accountant, of all the financial transactions between the Government and the particular Indian tribe. I do not know how you could find out whether or not there is a counterclaim until you have examined the accounts.

Senator THOMAS of Oklahoma. These petitions make the allegation that they rely upon. In addition to making an investigation of those particular matters, I understand you have a complete investigation made of the whole record.

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. Even though they are not—

Mr. STORMONT. That is a point involved in the letter, whether we shall have a complete accounting in the Five Civilized Tribes cases. It is a matter which has given me some concern, because I do not like to request the Comptroller General that he make that examination if the result will not seemingly justify the effort.

Senator THOMAS of Oklahoma. Have you any idea what it costs to make these examinations?

Mr. STORMONT. It is very expensive. I imagine for the report that was submitted to you it must have cost between \$20,000 and \$25,000.

Senator THOMAS of Oklahoma. It takes a good many years to prepare a report of that kind?

Mr. STORMONT. It depends on the complexity of the case, but ordinarily I would say that it would take them from two to two and a half years.

Senator THOMAS of Oklahoma. These cases now pending—85 of them—how soon do you expect to get those cases tried and clear of the docket?

Mr. STORMONT. Mr. Smith just told the committee that he thought it would be the end of 1934 before all of the cases had been reported on. It is quite a lengthy matter, even after the evidence is all in and the record is built up. It is a very lengthy matter in some cases, for both sides to prepare their briefs and their findings of fact for presentation to the court; so that it might be that if all cases are reported on by 1934 it would be three or four years after that before the last of the pending cases were disposed of, that is, assuming that the department will have supplied the necessary attorneys. Even if there were three more appointed, that would be, with myself, six. One of the present

attorneys is more of a law clerk than an attorney. He is not qualified as yet to try a case in court.

But even with five attorneys we could not try that number of cases. We would have to have more help; and it will be provided as needed, I have no doubt, whenever Congress will give us the money.

There, Mr. President, the Attorney General's Department is complaining about Congress not giving that department enough money to prepare these cases for trial.

Senator THOMAS of Oklahoma. Has Congress ever turned you down on any request of any kind?

Mr. STORMONT. Not that I know of.

Senator THOMAS of Oklahoma. There is another complaint, we find. The departments have a habit of saying, "If Congress gives us more money." I have never known of a case where Congress denied a department money to do their work.

Mr. STORMONT. I do not know about that. That is a matter that the general agents would have to tell you about, as to whether or not requests for additional attorneys have been turned down by the Appropriations Committee. I have no doubt that the department will do everything possible to supply the necessary legal assistance.

Senator THOMAS of Oklahoma. You have hopes, then, of getting these cases tried in the next 10 years?

Mr. STORMONT. I hope so, yes; the present batch.

Senator THOMAS of Oklahoma. I thought I would make it liberal.

The CHAIRMAN. You think, then, Mr. Stormont, that the force would be sufficient with the additional men you have asked for—will be sufficient—to take care of the needs of the immediate future—the next two or three years?

Mr. STORMONT. I think that is so, Senator. I think with that help there will be no cause for complaint, so far as the Department of Justice is concerned.

The CHAIRMAN. You think that is as many men as you could use for the cases that would become ready for your office?

Mr. STORMONT. Yes.

Mr. GRORUP. Will you tell the committee why you do not go to trial on those cases at the present time?

Mr. STORMONT. Because I want to get the counterclaims.

Mr. GRORUP. You know there are no counterclaims.

Mr. STORMONT. No; I do not. I can not say there are none until the Comptroller General has reported.

Mr. GRORUP. Have you asked the Comptroller General?

Mr. STORMONT. Certainly we have asked. As soon as a petition is filed we asked for it.

Mr. GRORUP. If you would know to-day that there are no counterclaims you would try the case immediately?

Mr. STORMONT. Just as soon as the briefs could be written.

Mr. GRORUP. Is it true that the two counterclaims you mentioned can be pleaded as an offset in any of the Creek cases?

Mr. STORMONT. Yes; we are not limited to any particular case in setting up our counterclaims.

Mr. President, a few moments ago I was advised that the pending bill carries an item for the support of the Kiowa hospital in a separate provision. Upon learning of that fact I find that one-half my complaint has been taken care of already by the committee and by the department. I have made the charge here that the Indians were being taxed to support a general hospital and a general agency. I find that the bureau has recommended and we find now in this bill an item of \$71,000 to take care of the hospital. Therefore my contention has been sustained. The committee has acceded to one-half of my request, and if the committee is willing to accede to the other half, I shall yield the floor.

Mr. SMOOT. Mr. President, the \$71,000 was put in by the House, and agreed to by the Senate. Of course, I did not want to interrupt the Senator at the time he made the speech he did make, long as it was; but I do not see that the Senator has even objected to the committee amendment at all. The only question involved now is his amendment to take from the funds of the Kiowa, Comanche, and Apache item the appropriation of \$51,000, and make it a direct appropriation against the Treasury of the United States. That, of course, is the thing to which I objected.

Mr. THOMAS of Oklahoma. Mr. President, in former years the Government took between fifty and sixty thousand dollars annually from these Indians with which to maintain the hospital and the agency. In former years approximately one-half was used for the hospital. It is true that the bill now before us contains an item of \$71,000 for the hospital. Yet the appropriation proposed to be taken from the Indians is not materially decreased. It still stands in this bill at \$51,000. I ask why that is now being done.

Mr. SMOOT. It is just the same as has been done in years past. There is not a particle of change in the plan

or the program. The Government of the United States has every year appropriated an amount of money to maintain that hospital, and as long as this fund of the Indians has been in the Treasury, for years and years past, the money has been taken from that fund. It is just the same as has been done in other years.

Mr. THOMAS of Oklahoma. Mr. President, that is the answer I have been receiving for 10 years. When I have asked the Indian Bureau, "Why are you doing so-and-so?" they have replied, "Because we did it that way last year, because we did it that way the year before, because we have done it that way for years and years and years last past." I submit that is not a sufficient answer. While the committee and the bureau are now proposing to tax the people of the country to run the hospital they do not decrease the amount they are asking these Indians to pay. I contend it is unfair. I contend it is a misappropriation of trust funds. I contend it is a continuation of the robbery policy which has been pursued by this Government for nearly 150 years.

Mr. President, I now serve notice that the Committee on Indian Affairs from this time henceforth will leave nothing undone to make known the facts; and I serve further notice that if we have to we will use the time upon this floor to place a statement of the facts in the RECORD—the only place where they can be heard—and depend upon the public conscience of the United States to bring about results and improvement in the Indian Service.

Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Sheppard
Barkley	Frazier	La Follette	Shipstead
Bingham	George	McGill	Shortridge
Black	Gillett	McKellar	Smith
Blaine	Glass	McMaster	Smoot
Borah	Glenn	McNary	Steiwer
Bratton	Goff	Metcalf	Stephens
Brock	Goldsborough	Morrison	Swanson
Brookhart	Gould	Morrow	Thomas, Idaho
Broussard	Hale	Moses	Thomas, Okla.
Bulkley	Harris	Norbeck	Townsend
Capper	Harrison	Norris	Trammell
Caraway	Hatfield	Nye	Tydings
Connally	Hawes	Oddie	Vandenberg
Copeland	Hayden	Partridge	Wagner
Couzens	Hebert	Patterson	Walcott
Cutting	Heflin	Phipps	Walsh, Mass.
Dale	Howell	Pine	Walsh, Mont.
Davis	Jones	Pittman	Watson
Deneen	Kean	Reed	Wheeler
Dill	Kendrick	Robinson, Ark.	Williamson
Fess	Keyes	Schall	

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. There is a quorum present.

During the speech of Mr. THOMAS of Oklahoma—

EXECUTIVE MESSAGES

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER (Mr. Brock in the chair). Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. THOMAS of Oklahoma. I yield.

REPORT OF COMMISSION ON LAW ENFORCEMENT

Mr. McNARY. Mr. President, I am just advised that the Wickersham report has been transmitted by the President of the United States to the Senate. It contains a summary which I shall ask at this time to have read, together with the message of the President, if I may have the consent of the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. Without losing the floor, I yield.

Mr. McNARY. Just the summary, Mr. President. I shall also ask that the report be referred to the Committee on the Judiciary; and at this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McGill	Shortridge
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glenn	McNary	Steiwer
Borah	Goff	Metcalf	Stephens
Bratton	Goldsborough	Morrison	Swanson
Brock	Gould	Morrow	Thomas, Idaho
Brookhart	Hale	Moses	Thomas, Okla.
Broussard	Harris	Norbeck	Townsend
Bulkley	Harrison	Norris	Trammell
Capper	Hatfield	Nye	Tydings
Caraway	Hawes	Oddie	Vandenberg
Connally	Hayden	Partridge	Wagner
Copeland	Hebert	Patterson	Walcott
Couzens	Heflin	Phipps	Walsh, Mass.
Cutting	Howell	Pine	Walsh, Mont.
Dale	Jones	Pittman	Watson
Davis	Kean	Reed	Wheeler
Deneen	Kendrick	Robinson, Ark.	Williamson
Dill	Keyes	Schall	
Fess	King	Sheppard	

The PRESIDENT pro tempore. Eighty-six Senators have answered to their names. A quorum is present. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Chief Clerk read as follows:

To the Congress:

The first deficiency appropriation act of March 4, 1929, carried an appropriation for a thorough investigation into the enforcement of the prohibition laws, together with the enforcement of other laws.

In pursuance of this provision I appointed a commission consisting of former Attorney General George W. Wickersham (chairman); former Secretary of War Newton D. Baker; Federal Judges William S. Kenyon, Paul J. McCormick, and William I. Grubb; former Chief Justice Kenneth Mackintosh, of the Supreme Court of Washington; Dean Roscoe Pound, of Harvard Law School; President Ada L. Comstock, of Radcliffe College; Henry W. Anderson, of Virginia; Monte M. Lemann, of New Orleans; and Frank J. Loesch, of Chicago.

The commission thus comprises an able group of distinguished citizens of character and independence of thought, representative of different sections of the country. For 18 months they have exhaustively and painstakingly gathered and examined the facts as to enforcement, the benefits, and the abuses under the prohibition laws, both before and since the passage of the eighteenth amendment. I am transmitting their report immediately. Reports upon the enforcement of other criminal laws will follow.

The commission considers that the conditions of enforcement of the prohibition laws in the country as a whole are unsatisfactory, but it reports that the Federal participation in enforcement has shown continued improvement since and as a consequence of the act of Congress in 1927 placing prohibition officers under civil service, and the act of 1930 transferring prohibition enforcement from the Treasury to the Department of Justice, and it outlines further possible improvement. It calls attention to the urgency of obedience to law by our citizens and to the imperative necessity for greater assumption and performance by State and local governments of their share of responsibilities under the "concurrent enforcement" provision of the Constitution if enforcement is to be successful. It recommends that further and more effective efforts be made to enforce the laws. It makes recommendations as to Federal administrative methods and certain secondary legislation for further increase of personnel, new classification of offenses, relief of the courts, and amendments to the national prohibition act clarifying the law and eliminating irritations which arise under it. Some of these recommendations have been enacted by the Congress or are already in course of legislation. I commend these suggestions to the attention of the Congress at an appropriate time.

The commission, by a large majority, does not favor the repeal of the eighteenth amendment as a method of cure for the inherent abuses of the liquor traffic. I am in accord with this view. I am in unity with the spirit of the report in seeking constructive steps to advance the national ideal of eradication of the social and economic and political evils

of this traffic, to preserve the gains which have been made, and to eliminate the abuses which exist, at the same time facing with an open mind the difficulties which have arisen under this experiment. I do, however, see serious objections to, and therefore must not be understood as recommending, the commission's proposed revision of the eighteenth amendment which is suggested by them for possible consideration at some future time if the continued effort at enforcement should not prove successful. My own duty and that of all executive officials is clear—to enforce the law with all the means at our disposal without equivocation or reservation.

The report is the result of a thorough and comprehensive study of the situation by a representative and authoritative group. It clearly recognizes the gains which have been made and is resolute that those gains shall be preserved. There are necessarily differences in views among its members. It is a temperate and judicial presentation. It should stimulate the clarification of public mind and the advancement of public thought.

HERBERT HOOVER.

THE WHITE HOUSE, January 20, 1931.

The VICE PRESIDENT. The conclusions and recommendations of the commission will be read.

The Chief Clerk read as follows:

NATIONAL COMMISSION ON
LAW OBSERVANCE AND ENFORCEMENT.

CONCLUSIONS AND RECOMMENDATIONS IN THE REPORT ON THE ENFORCEMENT OF THE PROHIBITION LAWS OF THE UNITED STATES

1. The commission is opposed to repeal of the eighteenth amendment.
2. The commission is opposed to the restoration in any manner of the legalized saloon.
3. The commission is opposed to the Federal or State Governments, as such, going into the liquor business.
4. The commission is opposed to the proposal to modify the national prohibition act so as to permit manufacture and sale of light wines or beer.
5. The commission is of opinion that the cooperation of the States is an essential element in the enforcement of the eighteenth amendment and the national prohibition act throughout the territory of the United States; that the support of public opinion in the several States is necessary in order to insure such cooperation.
6. The commission is of opinion that prior to the enactment of the Bureau of Prohibition act, 1927, the agencies for enforcement were badly organized and inadequate; that subsequent to that enactment there has been continued improvement in organization and effort for enforcement.
7. The commission is of opinion that there is yet no adequate observance or enforcement.
8. The commission is of opinion that the present organization for enforcement is still inadequate.
9. The commission is of opinion that the Federal appropriations for enforcement of the eighteenth amendment should be substantially increased and that the vigorous and better organized efforts which have gone on since the Bureau of Prohibition act, 1927, should be furthered by certain improvements in the statutes and in the organization, personnel, and equipment of enforcement, so as to give to enforcement the greatest practicable efficiency.
10. Some of the commission are not convinced that prohibition under the eighteenth amendment is unenforceable and believe that a further trial should be made with the help of the recommended improvements, and that if after such trial effective enforcement is not secured there should be a revision of the amendment. Others of the commission are convinced that it has been demonstrated that prohibition under the eighteenth amendment is unenforceable and that the amendment should be immediately revised, but recognizing that the process of amendment will require some time, they unite in the recommendations of conclusion No. 9 for the improvement of the enforcement agencies.
11. All the commission agree that if the amendment is revised it should be made to read substantially as follows:
"SECTION 1. The Congress shall have power to regulate or to prohibit the manufacture, traffic in or transportation of intoxicating liquors within, the importation thereof into and the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes."
12. The recommendations referred to in conclusion No. 9 are:
 1. Removal of the causes of irritation and resentment on the part of the medical profession by—
 - (a) Doing away with the statutory fixing of the amount which may be prescribed and the number of prescriptions.
 - (b) Abolition of the requirement of specifying the ailment for which liquor is prescribed upon a blank to go into the public files.
 - (c) Leaving as much as possible to regulations rather than fixing details by statute.

2. Removal of the anomalous provisions in section 29, national prohibition act, as to cider and fruit juices by making some uniform provision for a fixed alcoholic content.

3. Increase of the number of agents, storekeeper-gaugers, prohibition investigators, and special agents; increase in the personnel of the Customs Bureau and in the equipment of all enforcement organizations.

4. Enactment of a statute authorizing regulations permitting access to the premises and records of wholesale and retail dealers, so as to make it possible to trace products of specially denatured alcohol to the ultimate consumer.

5. Enactment of legislation to prohibit independent denaturing plants.

6. The commission is opposed to legislation allowing more latitude for Federal searches and seizures.

7. The commission renews the recommendation contained in its previous reports for codification of the national prohibition act and the acts supplemental to and in amendment thereof.

8. The commission renews its recommendation of legislation for making procedure in the so-called padlock injunction cases more effective.

9. The commission recommends legislation providing a mode of prosecuting petty offenses in the Federal courts and modifying the increased penalties act of 1929, as set forth in the chairman's letter to the Attorney General dated May 23, 1930 (H. Rept. 1699).

There are differences of view among the members of the commission as to certain of the conclusions stated and as to some matters included in or omitted from this report. The report is signed subject to individual reservation of the right to express these individual views in separate or supplemental reports to be annexed hereto.

GEO. W. WICKERSHAM,
Chairman.

HENRY W. ANDERSON
NEWTON D. BAKER
ADA L. COMSTOCK
WILLIAM I. GRUBB
WILLIAM S. KENYON
FRANK J. LOESCH
PAUL J. MCCORMICK
KENNETH MACKINTOSH
ROSCOE POUND.

WASHINGTON, D. C., January 7, 1931.

The VICE PRESIDENT. The message of the President of the United States, with the report of the commission, the conclusions, and recommendations, will be referred to the Committee on the Judiciary.

MR. BLAINE, MR. NORRIS, and MR. McNARY addressed the Chair.

The VICE PRESIDENT. The Senator from Oklahoma [Mr. THOMAS] has the floor.

MR. NORRIS. Will the Senator yield to me to make an inquiry? I want to propound an inquiry to the Chair pertaining to the matter just read to the Senate.

MR. THOMAS of Oklahoma. Mr. President, I was taken from the floor by a message from the President of the United States, and I yielded only for the purpose of having it laid before the Senate.

The VICE PRESIDENT. The Chair is so advised, and the Senator from Oklahoma is entitled to resume his remarks at this time if he desires to do so.

MR. THOMAS of Oklahoma. I am glad to yield to anyone who may desire to propound an inquiry.

MR. BLAINE. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Wisconsin?

MR. THOMAS of Oklahoma. I yield to the Senator from Wisconsin provided it does not take me from the floor.

MR. BLAINE. Mr. President, I desire to introduce a joint resolution in relation to the report which has just been read.

With the Senator's permission, I merely want to state that while I am opposed to prohibition as a matter of principle and favor the absolute repeal of the eighteenth amendment, I intend to propose a joint resolution providing for an amendment to the Constitution which will give to Congress the power to regulate the manufacture, traffic in, and importation and exportation of intoxicating liquors for beverage purposes, using the language the commission has used, except to strike out that part giving Congress the power to establish prohibition. I introduce the joint resolution and ask that it be read at the desk.

The VICE PRESIDENT. Is there objection to the reading of the joint resolution? The Chair hears none, and the clerk will read.

The joint resolution (S. J. Res. 237) to amend the eighteenth amendment to the Constitution, relating to national prohibition, was read the first time by its title, the second time at length, and referred to the Committee on the Judiciary, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the eighteenth amendment to the Constitution of the United States the following is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by three-fourths of the several States:

"AMENDMENT XVIII

"SECTION 1. The Congress shall have power to regulate the manufacture, traffic in, or transportation of intoxicating liquors within, the importation thereof into and the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes."

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. THOMAS of Oklahoma. I yield.

Mr. NORRIS. I want to ask a question of the Chair pertaining to the synopsis of the report which the Chair has had read by the Clerk. At the conclusion of it it is stated:

The report is signed subject to individual reservation of the right to express these individual views in separate or supplemental reports to be annexed hereto.

I ask the Chair whether any such individual views of the different members or any of the members of the commission have been submitted or are included in the document which the Chair has referred to the Judiciary Committee?

The VICE PRESIDENT. In the report which has been referred to the Committee on the Judiciary there are contained several individual letters.

Mr. DILL. Mr. President, I should like to know how many copies of the report have been printed?

The VICE PRESIDENT. Only the two sent to the Senate, so far as the Chair is advised.

Mr. DILL. Senators know there is going to be a tremendous demand for copies of the report. How are we going to have them printed?

Mr. McNARY. Mr. President, I think I can inform the Senator. During the day a Senate concurrent resolution will be introduced for that purpose.

Mr. FESS. Mr. President, may I say to the Senator from Oregon that I have understood that the House is having the report printed as a document?

Mr. McNARY. By virtue of a concurrent resolution, which will be brought up, if it be acted on favorably, both branches of Congress will have a sufficient number of copies printed.

MINISTER TO LIBERIA

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. THOMAS of Oklahoma. I yield.

Mr. BORAH. A few days ago the nomination of Mr. Mitchell, of West Virginia, as minister to Liberia, was sent to the Senate, and it was acted upon favorably. His name has been sent in a second time for the purpose of correcting a technical error. I ask leave, as in executive session, for the Senate to act upon it again.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The reading clerk read the nomination of Charles E. Mitchell of West Virginia, to be envoy extraordinary and minister plenipotentiary to Liberia.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and, without objection, the President will be notified.

After the conclusion of the speech of Mr. THOMAS of Oklahoma—

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3895. An act to authorize the Commissioners of the District of Columbia to widen Wisconsin Avenue abutting squares 1299, 1300, and 1935; and

S. 5036. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.

The message also announced that the House had passed the joint resolution (S. J. Res. 177) to provide for the erection of a monument to William Howard Taft at Manila, P. I., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 10621. An act authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa;

H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26);

H. R. 11285. An act to amend the Alaska game law;

H. R. 11368. An act to fix the annual compensation of the secretary of the Territory of Alaska;

H. R. 11967. An act to provide for the appointment of an additional district judge for the southern district of Illinois;

H. R. 12037. An act authorizing the payment of a claim presented by the Polish Government for the reimbursement of certain expenditures incurred by the community authorities of Rzeszyczany, Poland, to which place an insane alien was erroneously deported;

H. R. 12067. An act for compensation to the owners of the Danish motor ship *Indien* for damages sustained as the result of a collision with the United States Coast Guard cutter *Shawnee* at San Francisco on April 5, 1925;

H. R. 12352. An act to authorize the payment of an indemnity to the Norwegian Government in full and final satisfaction of all claims arising as a result of the detention of the Norwegian steamer *Tampen* by the United States Coast Guard in June, 1925;

H. R. 13132. An act authorizing the appropriation of Osage funds for attorneys' fees and expenses of litigation;

H. R. 13160. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Rosenberg Library, in the city of Galveston, Tex., the silver service presented to the United States for the cruiser *Galveston*;

H. R. 13516. An act to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River between the cities of Albany and Rensselaer, N. Y.;

H. R. 13517. An act to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River at the southerly extremity of the city of Troy, N. Y.;

H. R. 13532. An act to extend the time for the construction of the bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 13533. An act to extend the time for the construction of a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 14040. An act to enable the Secretary of the Treasury to expedite work on the Federal building program authorized by the act of Congress entitled "An act to provide for the construction of certain public buildings and for other purposes," approved May 25, 1926, and acts amendatory thereof;

H. R. 14051. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Elk River on the Fayetteville-Winchester Road near the town of Kelso, in Lincoln County, Tenn.;

H. R. 14264. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Ma-

honing River, in the State of Ohio," approved September 22, 1922;

H. R. 14276. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River on the Dayton-Decatur Road between Rhea and Meigs Counties, Tenn.;

H. R. 14573. An act authorizing the attendance of the Army Band at the Confederate Veterans' reunion to be held at Montgomery, Ala.;

H. R. 14679. An act authorizing Pensacola Bridge Corporation (a Florida corporation), its successors and assigns, to construct, maintain, and operate a bridge across Santa Rosa Sound, in the State of Florida, at or near Grassy Point, in Santa Rosa County, Fla.;

H. R. 14681. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Kankakee River;

H. R. 14916. An act for the relief of the Uncompahgre reclamation project, Colorado;

H. R. 15138. An act granting the consent of Congress to the State highway commission and the Board of Supervisors of Itawamba County, Miss., to construct a bridge across Tombigbee River at or near Fulton, Miss.; and

H. R. 15064. An act to reserve 440 acres of public-domain land for addition to the Temecula or Pechanga Reservation, Calif.

THE POWER QUESTION—GOVERNOR ROOSEVELT'S MESSAGE

Mr. DILL. Mr. President, the power question has been agitating the entire country for the past few years and is fast becoming one of the dominant political questions. The methods of regulating power rates have proved ineffective. Watered stock, Federal court rulings as to valuation, and all sorts of legal hindrances have made it impossible for the people to get lower rates by relying upon the regulatory bodies of the various States. The proposal that the governmental body producing electric power sell that power at the switchboard to private owners permits them to profiteer on the people because of the use of their transmission lines.

Because of these facts the message of Gov. Franklin D. Roosevelt, of New York, yesterday to the State Legislature of New York on the subject of the development of the water power of that State is extremely timely. He proposes a novel method of dealing with electric power and having it delivered to the people at a low cost. He points out that it is not necessary for the Government to go into the building of transmission lines if the owners of private transmission lines are willing to accept a fair rate of return for the transmission of electricity. His message clearly points out the necessity of the governmental authority having the alternative power of contracting with private owners of transmission lines or building its own transmission lines. By contracting with private parties at low rates the governmental body will control the selling price of the power to consumers. In case of failure to secure such contracts the Government should build its own transmission lines. I think in this proposal Governor Roosevelt has given a very fine example of constructive statesmanship that is so much needed in the country. It is a sane, progressive proposal of interest to the entire country. Because of these facts I ask unanimous consent to insert in the Record at this point the complete text of his message on the subject.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The message is as follows:

[From the New York Times, Tuesday, January 20, 1931]

TEXT OF GOVERNOR ROOSEVELT'S MESSAGE ON WATER POWER

ALBANY, January 19.—Following is the text of Governor Roosevelt's message to the legislature on water power:

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, January 19, 1931.

The Legislature:

In order to clarify and simplify the questions involved in the voluminous and necessarily technical reports of the St. Lawrence Power Commission, I have studied and summarized the problems and the recommendations. Here is the background:

On March 12, 1929, I sent a special message to the legislature in which I have laid down these general principles:

"In making use of this potential energy on the St. Lawrence, owned by the people of the State, the objective of the problem is essentially this:

"1. The physical transforming of falling water into electrical current.

"2. The transmission and distribution of this current from the plant where it is developed to the industries and homes of the people of the State."

The first objective was seriously opposed by many people, who insisted for varying motives that the physical building of a dam was fraught with danger, that the cost would be prohibitive, and that generation by steam had become as cheap as by water power.

HOLDS POSITION VINDICATED

The commission unanimously finds:

(a) The dam can be built with 100 per cent of safety, actual construction being on dry land by the method of diverting the river first on one side of an island and then on the other side.

(b) The cost would be about \$70,000,000 less than any previous estimate.

(c) The cost of generation per horsepower would be \$10, as against a \$25 cost for steam power.

This is an outstanding vindication for those of us who have supported the project against insidious propaganda for private development. It should foreclose for all time to come further discussion of public development of the St. Lawrence site.

Next is the question, "Who shall get the power?"

In 1929 and 1930 I have consistently held that the power should be developed for the primary benefit of the consumer at the lowest possible rate compatible with a fair return on the investment; and, furthermore, I have stressed the fact that the home user is the one to be given first consideration, because to-day the small home owners and storekeepers are carrying a relatively far greater burden than the industrial user.

That is the primary objective of transmission and distribution, and both the majority and minority report point out that the entire policy of development should be to provide the maximum benefits for domestic consumers, farmers, and small users of power. This coincides with my views, expressed not only in my message to the legislature but a great many times thereafter.

I emphasized the fact that my interest in water-power development was primarily to get it in to the homes of the women of the State and in the small shops and stores, and that only secondarily was it to be used for the huge manufacturing industries.

QUOTES REPORT ON SMALL USERS

The majority report says in this connection:

"All effort should be made to secure the maximum possible reduction in rates to domestic and to small commercial users. In other words, we believe that the principle of 'selling on a commercial basis' should be applied to industrial consumers of power and that the resulting profits on this business should be applied to the reduction of rates of other consumers.

"Not being in a position to protect themselves by an exercise of their bargaining power, they require the protection of their government in the enjoyment of service at the lowest possible rates, and since the transmission and distribution costs of the industrial power supplied near the site will be very small, a profit may be expected on this part of the business, a profit which should be applied to the reduction of rates to the small customer.

"It must always be borne in mind that as a practical matter the large consumer of power is able to protect himself much more effectively than the small consumer. For example, he can usually install his own generating plant. Indeed, this possibility has actually resulted in the establishment of comparatively low rates to large industrial users. It is the small consumer who is unable to cope with the situation. It is he who stands in great need of help from the State. In the judgment of the commissioners the accent should be put upon his needs."

Thus the entire commission, both the majority and minority, as well as I myself, are interested chiefly not so much in the disposition of this power to industries which might locate near the St. Lawrence River but in its cheap sale and transmission to household consumers.

Of course, by reason of the fact that the flow of the river is practically constant, the power will be generated during the entire day all the year round at nearly a constant load. Only large industrial plants can use peak power 24 hours a day, and it is therefore practical and feasible to encourage certain types of industry to locate near the site of the power house for the use of this constant load.

Next comes the matter of the price which consumers away from the site itself, principally the small consumers, will have to pay for electricity.

Hitherto we have relied wholly on Public Service Commission regulation of rates. We all know the long story of how court decisions, valuations, rate bases, complicated accountings, newly invented methods of finance, and unsatisfactory leadership in the Public Service Commission itself have made impossible the fulfillment of the original purposes of regulation.

Something new had to be done. I said to the legislature in 1929:

"That is why, in trying to treat this whole problem of development, transmission, and distribution of St. Lawrence power as a complete picture in the interests of the people of the State, I

have sought a method by which we could avoid the rate-regulating powers of the Public Service Commission, tied up, as it is, at the present time by Federal court rulings.

REPORTS UPHOLD CONTRACT PROPOSAL

"I have, therefore, after consultation with many experts on the subject, come to the conclusion that the representatives of trustees who develop the power can enter into contract with transmitting and distributing companies, under which contracts a fair price to the consumer will be guaranteed, this price to make allowances only for a fair return to the companies on the actual capital invested in the transmitting and distributing of this particular power energy.

"It is a method which is frankly based on theory of contract rather than the theory of regulation."

The majority and the minority of the commission both agree with that statement made by me, that the rates should not be subject to the control of the Public Service Commission but should be fixed by contract, based on a definite method of accounting and valuation, which would insure fair rates for all time to come.

The majority of the commission states it this way:

"There can be no question but that the existence of litigation in rate cases is a waste which should be avoided by the utility companies as well as by the State if it is found practicable through a process of negotiation to establish a system of rate control by contract which will adequately safeguard the consumer, a great step forward will have been taken."

TAKES UP TRANSMISSION PROBLEM

The minority of the commission says the same thing in another way in recommendation:

"That the trustees seek to negotiate with the utility companies a contract for the transmission and distribution of the power, which contract, by its terms, should bind the utility companies to transmit and distribute to consumers all of the power generated at rates or prices to consumers to be fixed in the contract, on the basis of charges, the lowest consistent with a fair return to the power authority on the investment."

The next question is, how to transmit the power, i. e., the question of the main transmission lines to carry the power to points of distribution.

I foresaw, of course, as every one does, the possibility that existing private companies might refuse to treat with the State on fair terms for the transmission of this electricity under a contractual relationship fixing their rates and profits. It was for that reason that I viewed with such alarm the merger of the three largest holding companies of power corporations into the joint merger of the Niagara-Hudson Power Co. The creation of this superutility deprived the State of its right to bargain with several companies and compelled it to bargain with this company alone.

POINTED OUT TWO METHODS

I want everybody to reread the following clear statement in my 1929 message, for it is just as true now as it was then:

"Are the business men of this State willing to transmit and distribute this latent water power on a fair return on their investment? If they are satisfied, here is their opportunity. If not, then the State may have to go into the transmission business itself. It can not, on the one hand, let this power go to waste, nor on the other be required to yield to any one who would aim to exploit the State's resources for inordinate profit.

"We shall soon know whether or not such a contract can be made. If the trustees can make it and it commends itself to the people of the State, then the legislature and I will approve of it and we can go ahead. But if no such contract can be made we shall know the reasons why and protect ourselves accordingly.

"I want to be in accord with sound business principles. I believe there are enough good business men in this State who see this problem as clearly as I do and will be glad to join with the State in this endeavor. I want to give to business this big opportunity to participate in a public service.

"If these proposals become law, we shall have the opportunity of ascertaining whether or not business and finance will accept this way of developing the State's resources for its industries, its commerce and its homes.

"On the one hand is the policy of public ownership and control of our power sites, dams, and power plants with private operation of transmission lines and distributing systems, allowing a fair return on actual cash capital investment.

COMPARES REPORTS ON CONTRACTS

"On the other side is one of two courses, either exploitation by private interests or else public ownership and operation, not only of the site, the dam, and the power, but of the transmission lines and distribution systems as well."

What does the commission say? The chief divergence between the majority and minority reports is as follows:

Both favor a contract with a private utility company by which, in effect, such company can collect only for the actual cost of actual services rendered, plus a reasonable profit. That is the objective of the proposed contract form of delivering the power.

The minority, however, recommends that if such a contract for transmission can not be made on a fair basis with an existing utility company the authority should try to get some other private company, existing or to be organized, to carry the power; and that it is wholly possible to interest private investment in such a company, because the earnings would in effect be based on a firm contract with the power authority.

As an alternative to this, if such private transmission can not be contracted for, the minority report recommends that the power

authority itself build transmission lines in order to bring the cheap power into the homes and shops of small consumers.

In this connection both the majority and minority of the commission fully realize that the municipalities or lighting districts could purchase this cheap power for distribution to their citizens, if, because of existing poor service or exorbitant rates, it became necessary.

CITES REPORT ON SALE TO CITIES

The majority says:

"Your commission is aware that a considerable number of municipal distributing systems are already in existence in New York State and that they are charging rates which compare very favorably with the rates charged by private companies operating under similar conditions. These municipal systems should be given full opportunity to purchase a reasonable share of the St. Lawrence River power at such prices as may be necessary to cover the cost of generation and of transmission.

"Moreover, any municipal or other political subdivision of the State that chooses in the future to engage in the distribution of electric current should be given the opportunity to purchase St. Lawrence power on conditions at least as favorable as those which are offered to private distributing systems. In the event that all of the water power shall be sold to private transmission and distribution companies at the generating station this sale should not be made except under a contractual agreement whereby these companies will transmit a reasonable share of the power to municipal plants at prices representing no more than a fair spread to cover the cost of transmission."

SEES ALTERNATIVE AS CLUB

These two alternatives which the power authority would have in determining the method of transmitting electricity are, of course, the only bargaining clubs in its possession in its negotiations with the present utility monopoly. If it did not have these alternatives the State would be at the complete mercy of the Niagara-Hudson Power Co.

I believe that these alternatives form the very foundation of the plan which will have its ultimate attainment only when the homes of the State get cheap electricity. I believe that these two alternatives provide the whip hand, the trump card, which the State can treat with the Power Trust, and I believe that they should be emphasized to the utmost.

The majority of the commission does not lose sight of this alternative. In fact, it points out in its report, though not in so specific a manner, the efficiency of these alternatives as a bargaining weapon.

The majority report states:

"Can satisfactory arrangements be made between the power authority and privately owned transmission and distribution companies?

"We hope that it will be feasible to make an acceptable contract. A genuine effort should be made to secure such a contract before consideration is given to a plan for State transmission and distribution.

"In the event of the inability of the trustees to make such a contract they shall have such authority as is necessary to make other disposition of the power."

BOTH REPORTS ARE PRAISED

Of course, the phrase, "to make other disposition of the power," would necessarily include the two alternatives about which I have spoken, and it must be clear to anyone reading the report that the majority of the commission is desirous of retaining in the hands of the power authority these bargaining weapons, with which the State should enter into negotiations with the power companies.

The minority report stresses the importance of being specific and clear about the two alternatives, putting them in plain language into the law creating the power authority.

I desire to repeat, however, that both reports should be a source of gratification to those of us who have been interested in cheaper electricity in the homes. They show, first, that the power can be developed cheaply; second, that the rates at which it is to be sold to the ultimate consumers should be fixed by contracts in the interest of the consumer; third, that if the contract is impossible to obtain alternative methods should be pursued which would ultimately place this power in the homes of our citizens at low rates; fourth, that the authorities of the United States and Canada have so far evidenced an attitude of friendly cooperation; fifth, that the time is ripe for the creation by the legislature of a power authority with legislative sanction to proceed to carry to completion its negotiations, as well as such further necessary studies as need be made of the building of transmission lines by the State or the possibility of the creation of a new corporation to undertake to contract with the State for the transmission of this cheap electricity.

I trust your honorable bodies will study and act on these most vital reports.

FRANKLIN D. ROOSEVELT.

PROPOSED INCREASE IN PARCEL-POST RATES

Mr. McKELLAR. Mr. President, under a provision of law the Postmaster General some time ago applied to the Interstate Commerce Commission to authorize a general increase in parcel-post rates amounting annually to something like \$7,000,000 or \$8,000,000. The Committee on Post Offices and Post Roads, after that was done, adopted a resolution

asking the Postmaster General and the Interstate Commerce Commission not to proceed with the matter of increasing the rates until the Congress had an opportunity to act upon a bill repealing that provision of the law. At the same time the committee reported favorably a bill repealing that provision of the law and leaving it to the Congress to establish rates.

I desire to ask unanimous consent at this time to proceed to the consideration of the resolution, which merely asks the Interstate Commerce Commission and the Postmaster General to postpone action as I have suggested.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee?

Mr. McNARY. Mr. President, I made objection this morning to other similar requests, and promised to ask the Senate to take an adjournment this evening so as to have a morning hour to-morrow for such purposes. Therefore I shall have to object.

Mr. McKELLAR. I did not know there is to be a morning hour to-morrow. With that understanding, I shall ask to have this matter considered to-morrow during the morning hour.

The VICE PRESIDENT. The Senator from Tennessee withdraws his request.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 10621. An act authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa;

H. R. 13532. An act to extend the time for the construction of the bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 13533. An act to extend the time for the construction of a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 14264. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River, in the State of Ohio," approved September 22, 1922; and

H. R. 14681. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Kankakee River; to the Committee on Commerce.

H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26); to the Committee on Finance.

H. R. 11285. An act to amend the Alaska game law; to the Committee on Agriculture and Forestry.

H. R. 11368. An act to fix the annual compensation of the secretary of the Territory of Alaska; to the Committee on Territories and Insular Affairs.

H. R. 11967. An act to provide for the appointment of an additional district judge for the southern district of Illinois; to the Committee on the Judiciary.

H. R. 12037. An act authorizing the payment of a claim presented by the Polish Government for the reimbursement of certain expenditures incurred by the community authorities of Rzeszyczany, Poland, to which place an insane alien was erroneously deported;

H. R. 12067. An act for compensation to the owners of the Danish motor ship *Indien* for damages sustained as the result of a collision with the United States Coast Guard cutter *Shawnee* at San Francisco on April 5, 1925; and

H. R. 12352. An act to authorize the payment of an indemnity to the Norwegian Government in full and final satisfaction of all claims arising as a result of the detention of the Norwegian steamer *Tampen* by the United States Coast Guard in June, 1925; to the Committee on Foreign Relations.

H. R. 13160. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Rosenberg

Library, in the city of Galveston, Tex., the silver service presented to the United States for the cruiser *Galveston*; to the Committee on Naval Affairs.

H. R. 14040. An act to enable the Secretary of the Treasury to expedite work on the Federal building program authorized by the act of Congress entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, and acts amendatory thereof; to the Committee on Public Buildings and Grounds.

H. R. 14573. An act authorizing the attendance of the Army Band at the Confederate veterans' reunion to be held at Montgomery, Ala.; to the Committee on Military Affairs.

H. R. 15064. An act to reserve 440 acres of public-domain land for addition to the Temecula or Pechanga Reservation, Calif.; to the Committee on Indian Affairs.

H. R. 13132. An act authorizing the appropriation of Osage funds for attorneys' fees and expenses of litigation;

H. R. 13516. An act to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River, between the cities of Albany and Rensselaer, N. Y.;

H. R. 13517. An act to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River, at the southerly extremity of the city of Troy, N. Y.;

H. R. 14051. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Elk River on the Fayetteville-Winchester Road near the town of Kelso, in Lincoln County, Tenn.;

H. R. 14276. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River on the Dayton-Decatur Road between Rhea and Meigs Counties, Tenn.;

H. R. 14679. An act authorizing Pensacola Bridge Corporation (a Florida corporation), its successors and assigns, to construct, maintain, and operate a bridge across Santa Rosa Sound, in the State of Florida, at or near Grassy Point in Santa Rosa County, Fla.;

H. R. 14916. An act for the relief of the Uncompahgre reclamation project, Colorado; and

H. R. 15138. An act granting the consent of Congress to the State Highway Commission and the Board of Supervisors of Itawamba County, Miss., to construct a bridge across Tombigbee River at or near Fulton, Miss.; ordered to be placed on the calendar.

MEMORIAL TO WILLIAM HOWARD TAFT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 177) to provide for the erection of a monument to William Howard Taft at Manila, P. I., which were, on page 1, line 5, to strike out the word "monument" and insert "memorial"; on page 1, line 6, to strike out the word "monument" and insert "memorial"; on page 1, to strike out lines 8 to 10 inclusive; and to amend the title so as to read: "Joint resolution to provide for the erection of a memorial to William Howard Taft at Manila, P. I."

Mr. FESS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

GEORGE WASHINGTON BICENTENNIAL COMMISSION

The VICE PRESIDENT. The Chair appoints the Senator from Maryland [Mr. TYDINGS] to fill the vacancy on the George Washington Bicentennial Commission, caused by the death of the Senator from North Carolina [Mr. Overman].

AIR MAIL CONTRACTS

Mr. DILL. On January 6 I submitted a resolution (S. Res. 394) requesting the Postmaster General to furnish information to the Senate regarding air mail contracts, and asked that it lie over under the rule. Evidently there was a misunderstanding as to the disposition of the resolution, and it was ordered to lie on the table. I should like to have the resolution placed with resolutions on the calendar or-

dered to lie over. I have had no opportunity to call it up since its introduction.

The VICE PRESIDENT. Without objection, that order will be made.

THE UNEMPLOYMENT PROBLEM

Mr. WALSH of Massachusetts. Mr. President, I ask to have inserted in the CONGRESSIONAL RECORD a speech delivered last night in New York by Rev. John A. Ryan, D. D., a well-known student of social and economic questions, upon the subject of the obligations of the state in time of widespread unemployment.

Doctor Ryan recommends concentration and increase of public works in periods of depression as an outstanding remedy.

The VICE PRESIDENT. Without objection, leave is granted.

Doctor Ryan's address is as follows:

THE DEMANDS OF JUSTICE

The traditional classification in Catholic treatises on ethics gives us three kinds of justice. They are legal, commutative, and distributive. Legal justice is that by which citizens or subjects are bound to promote the welfare of the community and the state. Commutative or strict justice regulates the relations among individuals and associations. Distributive justice binds the political authority. It requires public officials to distribute common goods and benefits among the members of the community in proportion to needs and merits and public burdens in proportion to capacities.

THE OBLIGATIONS OF EMPLOYERS

The relation between employer and employee is governed primarily by commutative or strict justice. This species of justice obliges the employer to make and fulfill just labor contracts, but it does not require him to enter any particular labor contract or to employ any particular laborer. Owing, however, to his position in the industrial and social organism the employer participates also in the functions of distributive justice. He is charged with the social obligation of making a fair distribution of the economic goods and opportunities which he controls. His duty is not merely contractual, but social. He fulfills not only an individual contract but a social function. If the State owned and operated all the instruments of production, it would clearly be obliged to provide all the wage-earning members of the community with employment at fair wages. Under the system of private capital this function is performed by employers. Upon them primarily falls the duty of enabling the wage earners to enjoy their natural right of obtaining a livelihood from the common bounty of the earth. Since they take the place of the State in the employment relation and in the control of the goods and opportunities of living for the laboring class, they have some obligation to provide employment.

To be sure, this obligation is not absolute. It is limited by the possibilities of the situation. An employer is not obliged, in justice, to furnish employment to anyone at a definite loss to himself. On the other hand, it would seem clear that he is morally obliged to retain present employees on his pay roll, even though he obtains no interest. Like the laborer, he has the right to a livelihood in reasonable conformity with the standard of living to which he has been accustomed. But he has no right to shut his business down or to discharge any of his employees merely because he is unable to get interest on his capital or dividends on his stock or profits in excess of the amount required for his own livelihood.

Despite all the compliments that have been tendered to employers on account of their promises to keep up wages and to refrain from reducing their labor forces during the depression, we know that neither of these engagements has been completely fulfilled. Some of those who dismissed employees undoubtedly had to choose between that course and operating at a loss. On the other hand, many employers could have retained some or all of those discharged if they had been willing to get along without interest or without a normal rate of interest. Such employers violated not only charity but distributive justice. They failed to carry out their social obligation as distributors of economic resources and opportunities. They prevented the employees whom they discharged from enjoying the fundamental human right of access on reasonable terms to the common bounty of nature, the common heritage which God has destined for all the children of men. The fact that very few of the offending employers recognize this obligation frees them indeed from formal and conscious wrongdoing, but it still leaves their conduct at variance with the principles of distributive justice. They may be able to plead ignorance, but they can not plead innocence. Their attitude sadly illustrates the exaggerated notions of property and the inadequate conceptions of stewardship which prevail in our society.

Are the employers and the masters of industry morally obliged to increase the sum total of employment by finding a way out of the industrial depression? Here, again, they can exculpate themselves by a plea of ignorance. No one is bound to do a thing which he does not know how to do. A few months ago Mr. Gerard's 64 "rulers of the Nation" were asked what they would do to end the depression. Only a few of them returned any answer at all; not one of those who did respond contributed a single concrete or useful suggestion. Indeed, most of the replies

were trivial or platitudinous, the prize sample being, "The remedy is more work and less talk."

To the December, 1930, issue of *Nation's Business*, Julius H. Barnes, chairman of the board of the United States Chamber of Commerce, contributed an article entitled "The Road to Better Times." In the blurb accompanying this effusion we are told that "Mr. Barnes analyzes causes, weighs values, and gives the clue to the way out of the depression." As a matter of fact, he does none of these things. His statement of causes is hopelessly defective, while his description of remedies is verbal fog. "Words, words, words." I defy anyone to extricate from Mr. Barnes's article a single definite piece of practical and effective guidance. So far as finding the "way out" is concerned, our industrial leadership seems to be bankrupt. In this predicament the leaders can not fairly be charged with strictly moral responsibility for the continuation of the depression.

THE OBLIGATIONS OF THE STATE

We turn now from the obligations of justice resting upon employers to those binding upon the state, the political community. As already noted, these duties fall under the head of distributive justice. The state exists to promote the common good, and, so far as possible, the welfare of social classes, families, and individuals. In pursuing these objects the state is obliged to exemplify distributive justice toward every part of the community; that is, it must distribute goods according to needs and burdens according to capacities. The foremost duty of the rulers of the state, says Pope Leo XIII in his encyclical on the Condition of Labor, is to make sure that the laws and institutions and administration "shall be such as of themselves to realize public well-being and private prosperity." They should exhibit, he continues, "that justice which is called by the schoolmen distributive—toward each and every class alike." They should give special attention to "the interests of the poorer classes," for "the poor and helpless have a claim to special consideration." Hence "wage earners should be especially cared for and protected by the Government."

The immense scope of the state's functions is set forth by Pope Leo in this striking sentence: "Whenever the general interest or any particular class suffers, or is threatened with mischief which can in no other way be met or prevented, the public authority must step in to deal with it." No wider concept of state functions could be desired by any realistic person. Nor are we likely to find anywhere a more pointed condemnation of the shallow doctrine that the state should avoid "class legislation."

UNEMPLOYMENT RELIEF

The obligation of the state to the unemployed has two phases, material relief and the provision of jobs. When private resources are inadequate it is clearly the duty of the public authorities to provide food, clothing, shelter, and the other necessities of life. In any given condition, therefore, the question of the state's obligation becomes the question whether the existing distress can be relieved through voluntary effort. Despite the complacent attitude of men in high places, it seems fairly well established that private charity will not bring adequate relief to all those who are in grave need in many parts of the United States this winter. In particular, the deplorable condition of thousands in the drought-stricken States seems to demand public in addition to private relief. The same thing is probably true of other thousands in several of our cities and towns. In this grave emergency, this disgraceful condition of dire want in the midst of plenty, the quality of mercy is not, or at least should not be, strained. It is infinitely better to sin on the side of abundant and even of wasteful relief than to permit men, women, and children to starve in the interest of a shallow and doctrinaire theory about the impropriety of public relief. Referring to a similar though less urgent and exigent situation, Pope Pius XI declares in his recent encyclical on Christian Marriage: "If, however, private resources do not suffice, it is the duty of the public authority to supply for the insufficient forces of individual effort, particularly on a matter which is of such importance to the common weal, touching as it does the maintenance of the family and married people. . . . Hence, in the making the laws and in disposing of the public funds they (the rulers of the state) must do their utmost to relieve the penury of the needy, considering such as one of the most important of their administrative duties."

THE PROVISION OF JOBS

One frequently hears the assertion that the laborer has a right to work in the sense that he has a right to a job. Obviously, a man does not possess such a right against employers in general; nor even against his present or former employer if it can not be realized without monetary loss. As stated above, an employee has a right in distributive justice, because of the employer's social function, to be continued in his present employment so long as this does not involve loss to the employer. When any considerable number of workingmen are unable to find employment, the duty of supplying it devolves upon the state. The argument for this proposition may be summarily stated in the following terms: Laborers have a right to obtain a livelihood from the common bounty of the earth on reasonable conditions; in the present system this right can be realized only through employment; the State is obliged to protect the rights and make adequate provision for the needs of every class; therefore the principles of distributive justice oblige it to furnish jobs to the jobless.

PUBLIC WORKS

How shall the State provide employment? The concentration and increase of public works in a period of depression has for

many years been among the standard remedies proposed by economists. In December, 1928, Governor Brewster of Maine recommended an elaborate program of this sort, and the public was given to understand that it represented the views of President-elect Hoover. Last June the President was requested to exercise his influence on behalf of a bond issue of \$3,000,000,000 for road building. He declined to do so. No adequate action along this line has been taken by Congress. The much-advertised increase in the Federal outlay for public works in 1930 amounted to only \$4,000,000. The national administration has taken great satisfaction in declaring that the amount available for Federal construction work during this year will be \$450,000,000 more than was spent in the year 1928. This additional appropriation is, however, utterly insufficient to provide jobs either directly or indirectly for our 5,000,000 unemployed.

A few weeks ago some eighty economists signed a statement expressing the view that the Federal Government should appropriate \$1,000,000,000 for public works. Even this amount would be inadequate. Five billion dollars would not be excessive. Suppose that the expenditure of this sum on public buildings, roads, navigation, flood control, forestry, elimination of grade crossings, and other legitimate public enterprises, required two years; suppose that one-half went for wages and one-half for materials, and suppose that the average wage was \$1.250 per year. On these suppositions, 1,000,000 persons would obtain employment for two years, while a considerably greater number would be required to produce the goods and the materials necessary to supply the demand evoked through the initial outlay for labor and materials. The beneficent and far-reaching effects of the original expenditure upon employment can be roughly estimated on the assumption that one-half of every dollar directly or indirectly added to the purchasing power of the community is paid out for wages. Incidentally, the effect upon the public mind, particularly the business mind, would be tremendous. In so far as fear is a factor in prolonging the depression and preventing recovery, its influence would be totally eliminated.

Of course, the administrative difficulties in the way of such a program are very great, but they are not insuperable. I have been informed on very high authority that upwards of a half million men could be employed almost immediately upon necessary Federal public works of various kinds. If the actual distribution of this fund in wages and for materials got well under way in six months, the project could be called a success. After all, no one knows whether there will be a considerable revival or any revival at all of business next spring. No industrial leader nor any business expert would stake his reputation upon the prediction that business next summer will not be worse than it was last summer. Definite forecasts of business recovery have gone out of fashion.

The distance, the difficulties, and the time involved in the uphill journey back to something like normal prosperity is indicated by the fact that, according to the *Annalist*, the decline in general business activities between October, 1929, and January, 1931, reached the astonishing figure of 28 per cent.

HIGHER INCOME TAXES

How shall a \$5,000,000,000 program of public works be financed? Obviously through a bond issue. Money is now so plentiful that \$5,000,000,000 of Federal bonds, paying not more than 3 per cent interest, could be marketed within 30 days. Of course, the sale would be spread over a longer period, inasmuch as the proceeds would not all be needed at once. A substantial part of the amount might not be needed at all. At 3 per cent, the annual interest charge on the total issue would be \$150,000,000, which is \$10,000,000 less than the foolish reduction made in the personal income tax last year. The surtaxes could be increased sufficiently to produce that \$150,000,000 without depriving a single person of either comforts or luxuries. In the year 1928, 511 Americans paid taxes on a million or more dollars of personal income. Dividend and interest payments made by corporations to individuals during the "depressed" year of 1930 exceeded those of 1928 by more than \$2,000,000,000. These are merely a few illustrations of the general fact that the surtaxes on personal incomes could without any genuine hardship to any person be raised sufficiently to provide for a program of public works which would probably be adequate gradually to provide employment for almost all those now out of work and gradually to end the existing industrial depression. No other means of attaining these ends has been suggested or is in sight. When the Government enacts such a measure for the unemployed and collects the cost of it from the receivers of large incomes it exemplifies both elements of the fundamental formula of distributive justice, namely, benefits according to needs and burdens according to capacities. The obligation to adopt this course rests primarily upon Congress and secondly upon the President of the United States.

A very short step in this direction is contemplated in the "prosperity reserve" bill introduced by Senator WAGNER more than a year ago. The indifference toward this proposal exhibited by men in high public places is strikingly shown by the fact that it has not yet been enacted. Senator WAGNER's bill providing for the effective and comprehensive collection of statistics about unemployment has become a law, but Congress failed to appropriate money for its operation. The same Senator's bill to set up an adequate system of employment exchanges passed the Senate, but has been effectively stopped in the House of Representatives. All three of these measures are elementary in any program dealing with unemployment. That none of them has yet been enabled to function is a very discouraging reflection upon the conception

which Congress holds of its moral obligations to the laboring masses who, in the words of Pope Leo XIII, "have a claim to special consideration."

UNEMPLOYMENT INSURANCE

The enormous suffering caused by unemployment places upon the community a definite and grave obligation to provide an adequate system of insurance. Voluntary arrangements by employers or by employers and employees jointly, although praiseworthy in the few cases where they have been adopted, can not become either general or adequate. A compulsory universal scheme is necessary. However, none of the European state systems of unemployment insurance is desirable in the United States. The best plan for American conditions would be one embodying the essential features of our workmen's compensation laws. In the tentative draft of a bill made by the American Association for Labor Legislation for submission to the State legislatures the main feature is the creation of an unemployment reserve fund, exclusively through contributions by the employers. The chief merit of this proposal is that it would place the burden of unemployment precisely where it belongs.

Men who must spend all their lives as wage earners and who have no other way of realizing their natural right to a decent livelihood have a just claim upon industry for sufficient compensation to protect them against all the needs and contingencies of life. When the unemployment hazard can not be met out of wages it should be provided for through some other payment derived from industry. Justice demands that this obligation should be placed upon the masters of industry because they have preempted the wage earners' time and services and they possess or can obtain the means of making the necessary provision. And the State is properly charged with the obligation of enacting and administering the necessary legislation.

UNEMPLOYMENT PREVENTION

Both employers and the State are morally obliged, so far as they can, to prevent the recurrence of such depressions as have existed in the United States for the last 15 months. In order to be effective, preventive measures must obviously attack the principal causes. It is pretty generally recognized now that our present unemployment is mainly technological; that is, caused by a rapid and widely extended displacement of men by machinery and other improved processes. As a consequence we have a condition which may correctly be described, according to the point of view, as overproduction or underconsumption. Some restriction is necessary in certain industries where the overproduction may properly be called absolute, for example, in the production of wheat, cotton, shoes, and probably some other commodities. In these industries productive capacity seems to be in excess of all the demand that would be forthcoming even if all persons had the money to purchase all that they want of these commodities.

The main remedy, however, relates to underconsumption. Those who would like to consume more should be provided with reasonably adequate purchasing power. The necessary and sufficient means to this end are higher wages and shorter working time. The latter would indirectly bring about the former through increase in the demand for labor. If employers were sufficiently organized, they could establish both higher wages and shorter hours, although the latter is probably much easier of attainment than the former. A definite obligation rests upon the masters of industry to make a systematic, sustained, and organized effort to achieve both these objects. The suggestion occasionally heard that the directors of industry should combine to curtail the production of certain commodities without reducing the working time deserves no consideration whatever. To adopt this method would be to make the unemployment situation worse.

If Congress and the State legislatures had the requisite constitutional power, they could bring about the necessary redistribution of purchasing power and shortening of hours more quickly and more effectively than any combination of employers. Unfortunately, the Supreme Court has declared unconstitutional minimum-wage legislation, even by the States, and it would probably pass the same judgment upon short-hour laws, applying to men as well as women in all industries. At present there is very little that our legislative bodies can do in this direction beyond setting an example to private industries, by paying adequate wages to and reducing the working time of public employees and inserting the same regulations in all contracts for public work.

Throughout this address I have tried to expound one comprehensive proposition, namely, that the present unemployment places upon both the employers and the public authorities certain definite obligations of justice. The burden upon their consciences can not be adequately expressed in terms of a remote counsel of perfection, or a vague requirement of civic loyalty, or an empty profession of humanitarianism. The obligation binding them falls under the same virtue, which requires them to repay borrowed money. In attempting to apply the great principle of justice to the conditions of our unemployment situation I may have made some mistakes, but I know that I have not exaggerated the pertinency of the principle. Until the demands of justice are specifically and comprehensively recognized there can be no adequate solution of the problem of unemployment. Such is the general conviction of mankind. In the words of Henry George: "Though warped by habit, superstition, and selfishness into the most distorted forms, the sentiment of justice is yet fundamental to the human mind, and whatever dispute arouses the passions of men the conflict is sure to rage, not so much as to the question 'Is it wise?' as to the question 'Is it right?'"

INTERIOR DEPARTMENT APPROPRIATION BILL

The Senate resumed the consideration of the bill (H. R. 14675) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes.

The VICE PRESIDENT. The clerk will report the pending amendment.

The CHIEF CLERK. The Senator from Oklahoma [Mr. THOMAS] offers the following amendment: On page 63, lines 16 and 17, strike out the following language:

Kiowa, Comanche, and Apache, \$51,000.

And on page 60, line 7, strike out "\$1,292,000" and insert in lieu thereof "\$1,343,000."

The VICE PRESIDENT. The Chair would invite the attention of the Senator from Oklahoma to the fact that there are two amendments embraced within the proposal.

Mr. THOMAS of Oklahoma. Mr. President, the amendment provides, first, to strike out the amount of money proposed to be taken from the trust fund, and the second portion provides that the same amount of money shall be added to the sum of money coming from the General Treasury. I now ask unanimous consent that when the vote is had upon the amendment the same may be divided and the first part, relating to the striking of the \$51,000 as it applies to the trust fund, be voted upon first.

Mr. SMOOT. Of course, if the first amendment, to strike out \$51,000 on page 63 for the Kiowa, Comanche, and Apache Indians, is agreed to, then I certainly am not going to object to having the amount changed in the other place, because the Indians must have the money in order to live.

Mr. THOMAS of Oklahoma. I thought so; but inasmuch as objection was made, I would rather see it stricken out than to have it come from these people.

Mr. SMOOT. That is not the question.

Mr. THOMAS of Oklahoma. That is the reason why I separated my amendment into two parts as I did.

Mr. SMOOT. I want to assure the Senator from Oklahoma that if the first part of the amendment, to strike out \$51,000, is agreed to, and if he does not do so, I shall ask that that amount be added at the other place in the bill.

Mr. THOMAS of Oklahoma. Then I ask unanimous consent that the amendments may be voted on as one, inasmuch as the Senator in charge of the bill states that if the first part carries he will ask that the second part be agreed to.

The VICE PRESIDENT. Is there objection to having the two amendments voted on together?

Mr. SMOOT. I will take up the question with the Senator from Oklahoma. I have no objection, but I think the RECORD ought to show where the \$51,000 should come from if it is stricken out at the point referred to by the Senator from Oklahoma. I suggest to him that we prepare an amendment so that if the first part of the amendment carries as proposed by the Senator from Oklahoma, the amount will be provided for elsewhere. In other words, I notice in the Senator's amendment it provides on page 60 to strike out and insert.

Mr. THOMAS of Oklahoma. That is just the amount of money stricken from the tribal funds and placed in the General Treasury in connection with the general Budget item.

Mr. SMOOT. Very well.

The VICE PRESIDENT. The matter will remain in abeyance.

Mr. KING. Mr. President, I regret, in view of the important questions before the Senate, to occupy the time of the Senate, but I feel that there are few, if any, questions before the Senate more important than the one relative to the Indians and the attitude and obligation of the Government toward its wards. It is appropriate to discuss the Indian question when a bill is under consideration which deals with the Indians and carries approximately \$28,000,000, which, it is stated, will be expended in their behalf during the next fiscal year.

My interest in the Indians is not of recent origin. From a boy I have been interested in the welfare of the Indians

and have believed that the Government failed in its duty toward them. When I came to the Senate I became a member of the Committee on Indian Affairs and served for some little time. However, I had so many other committee assignments I felt compelled to resign because I was unable to give the attention to the work of the committee which the situation demanded. My interest in the Indians did not abate and I interested myself as best I could in matters relating to them. Many Indians communicated with me, either by letter or in person, and presented facts which, in my judgment, called for radical changes in the policy of the Government in dealing with the Indians. My attention was brought to cases where Indians had sought legislation which would permit them to bring before the courts some of their grievances and claims for damages which they had sustained by reason of injustices and cruel legislation. I endeavored to secure the passage of bills to permit them to sue in the Court of Claims to determine their rights, and also tried to aid them in securing legislation that would improve their condition and relieve them from objectionable, unwise, and oppressive measures enforced upon them by the Indian Bureau. The more I studied the Indian problem the more I was convinced that it must be dealt with fundamentally; that much of the machinery that had been erected must be destroyed, and a new policy adopted which would deal justly with the Indians and prepare them for an honorable status among the citizens of the United States.

Several years ago I offered a resolution calling for a comprehensive study of the Indian question with a view to determining what course should be pursued by the Government and what changes should be made in the existing Indian system. That resolution was bitterly fought by the Indian Bureau. It was opposed to any investigation by the Senate and indicated hostility to any plan that would remedy existing conditions or inaugurate a different policy in dealing with the Indians. It took several years to secure the passage of my resolution, but it finally was passed and a committee of the Senate was appointed to make a study of the Indian question and to submit recommendations to the Senate. The chairman of that committee is the senior Senator from North Dakota [Mr. FRAZIER]. The committee has visited several reservations, has heard the testimony of many witnesses, and has obtained valuable data which will be of benefit to Congress in its future dealings with the Indians. I hope the labors of the committee will be concluded and that it will submit—as I feel sure that it will—recommendations that will aid Congress in enacting legislation so imperatively demanded if the Indians are to be justly and fairly dealt with by the United States.

The bill under consideration continues many of the evils and injustices of the Indian system. It seems that Congress and the Indian Bureau are satisfied to adhere to traditional policies under which the Indians have been subjected to unjust treatment and have been compelled to submit to conditions which have been obstacles to their progress and development.

The able Senator from Oklahoma [Mr. THOMAS] has spoken at considerable length and has challenged attention to many of the evils which the Indian Bureau has fostered and suggested measures to ameliorate conditions which have been condemned by those who are familiar with the Indian problem.

I regret that the address of the Senator from Oklahoma was not heard by every Senator. He has submitted facts that should be understood by the Senate, and has presented data with which Congress should be familiar in order to properly legislate upon Indian matters. I hope that the facts presented will come to the attention of the American people, and particularly to those who are interested in the welfare of the Indians. I appreciate that Senators are engaged in committee work and in the performance of public duties which detain them from the Senate Chamber, but I hope they will seek an opportunity to examine the data submitted by the Senator from Oklahoma. I appreciate the fact that the multitude of questions brought to the attention of Congress make it impossible for Senators to become

familiar with all of them. The work of Congress is constantly increasing. The activities of the Federal Government are being multiplied, and the questions before Congress are becoming so numerous, as well as so complex, that it is humanly impossible for the most diligent Senator to acquaint himself with them. But I emphasize the importance of Senators studying the Indian question, because there are moral questions involved, and the interests and welfare of several hundred thousand human beings are at stake. The Indian question has not been settled. The problem has not been solved, and there is before us a vital, living question, which can not be ignored, but which demands that it be answered. We must, therefore, with determination face this question and work out a policy that will settle this perplexing problem.

I have seen statements contrasting the condition of the Indians at the time our Government was organized and their condition now; and the conclusion was drawn that the conduct of the United States has been reactionary and oppressive, that those charged with administering the laws of Congress dealing with the Indians have been derelict and negligent and too often cruel; as a result of which the Indians were in a worse condition now than they were a century and a quarter ago. All fair-minded persons must confess that the Federal Government has not been a faithful guardian of the Indians, that it has failed to discharge its duty to those upon whom, often by force and violence, it imposed its rule.

The present Secretary of the Interior, in his testimony before the House Appropriations Committee November 19, 1929, said:

The Indian Bureau has gone on for 100 years without any far-reaching idea of what it was trying to accomplish. This is my interpretation of it.

The Indian has been kept a serf to the soil; the one thing that we came from Europe to escape from and succeeded in doing, we have inflicted upon the Indian. We have tied him to his property. We have insisted upon his localization there.

I might, by way of parenthesis, state that too often the Indian has been robbed of his property; that instead of tying him to the property, thousands and tens of thousands of Indians have been driven from their lands and homes of their ancestors, and they have been left to wander about the country, often driven by the military forces of the United States.

Resuming the statement made by the Secretary:

That was based, of course, upon the fact that we captured him and located certain areas and put him there as a prisoner. From a prisoner he became a ward and then we mixed into that the idea of some sentimentality—of giving him a square deal. At any rate, we had him know how far the Government got in their effort? * * * I think the story of the Indian wars shows quite conclusively that the white man took what he wanted; and there is a sting of injustice in the hearts of most of the Indians about the whole situation.

May I digress to remark, Mr. President, that there is more than a sting of injustice; there is a bitter feeling in the hearts of many Indians; they believe that they have been robbed by the white man and by the Government of the United States.

The Secretary also declared that the Indian problem is the "greatest national responsibility we have." I ask Senators whether we have discharged our duty in dealing with this great national responsibility?

President Lincoln, in his message to Congress in March, 1865, invited the attention of Congress to the Indian problem, stating:

I submit for your special consideration whether our Indian system shall not be remodeled. Many wise and good men have impressed me that this can be done.

May I say, Mr. President, that Mr. Lincoln evinced his deep interest in the Indians and his solicitude for their welfare. As I understand the record, he sought to carry out executive policies calculated to effect reforms and to introduce more humane methods in the Government's treatment of the Indian. Despite that recommendation made by President Lincoln to the Congress, no constructive measure

was adopted and no important change in the policy was made by the Congress of the Indian Bureau.

The present Commissioner of Indian Affairs, in his statement before the Committee on Appropriations of the House on the 19th of November, 1929, said:

The Indian has presented a problem of national interest for many years. As civilization advanced through the western half of the United States the Indian population was driven before it until it became necessary to establish reservations for the exclusive use of the Indian race.

It will be observed that the Indians were driven from their possessions by military force and placed upon reservations, and those reservations from time to time were restricted; large portions were "lopped off," to use the language of the street, and made available for public entry or for acquisition by the whites or added to some Government reservation. So the Indians, little by little, were confined to limited areas, and, as I said a few moments ago, lost the lands of which they were the owners.

It was the rule that the hand of the white man has been raised against the Indian. William Penn's policy demonstrated what could be done if a course of kindness and justice was followed. Unfortunately, the humane and Christian spirit which animated him did not always control the conduct of the white settlers in their dealings with the Indians; indeed, some of the settlers who had been the victims of persecution and intolerance in other lands forgot their professed principles and sought the extermination of the Indians. They were not satisfied with taking from them their lands without compensation, but they regarded them as impenitent and unregenerate beings fit only for destruction. The Indians were driven from their homes; their limited personal possessions and their primitive houses were burned, and many thousand were killed in sanguinary conflicts. The Indians soon learned that the white man was his enemy, who coveted the territory which he and his ancestors, from time immemorial, had possessed; and that the might and power of the white man constituted an irresistible force against which he was impotent. Where they were not exterminated they were forced from their homes and from lands which they regarded as their own. It is obvious that the merciless march of the white man would inspire for them fear and resentment and provoke conflicts, even though the Indian knew the fate which awaited him.

We are not without record of the protests made by the Indians and of the appeals for mercy and for some modicum of magnanimity in the conduct of the whites. The history of those early days is replete with eloquent appeals made by Indian chiefs in behalf of their peoples, but all their appeals were in vain; and though treaties were negotiated between the invaders and the Indians and solemn promises made by the former, the Indians soon discovered that no reliance could be placed upon promises and solemn conventions, and that the march of the white man would continue westward, uninterrupted, ruthless, and triumphant. Occasionally the voice of some great white leader was raised in their behalf, but its echoes were soon lost in the resounding clashes between the red man and the white man.

General Washington declared to the Iroquois in 1790 that—

* * * The General Government will never consent to your being defrauded, but will protect you in all your rights.

This pledge of General Washington was not kept by the Government. Of course, he was not at fault; it was the fault of Congress and the indifference of the people to their legal and moral obligations.

International law as expounded and accepted in the Old World at the time of the discovery of America and the settlement of the American Colonies accepted the view that under the conditions prevailing in the New World, there being no organized government such as was recognized by European nations, the land and its inhabitants were subjected to conquest, and that the conquering nation obtained title to the conquered territory. That view seemed to be entertained by those who settled the thirteen Colonies, and

it likewise obtained when the Government of the United States was established.

Chief Justice Marshall declared that the potentates of the Old World convinced themselves that they made ample compensation to the inhabitants of the new by bestowing on them civilization and Christianity in exchange for unlimited independence. He then said:

The United States, then, have unequivocally acceded to that great and broad rule by which its civilized inhabitants now hold this country. They hold and assert in themselves the title by which it was acquired.

He further stated, in effect, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest, and that the Government of the United States had the same power to dispose of its territory as had the British Government or its grantees.

Under this policy the Indians were dispossessed of their lands and driven westward by the invading tide of white settlers. Senators are familiar with the Indian troubles in Georgia, Alabama, and other Southern States, and the final removal to the West of the Indians of that section. Their removal was assisted by no inconsiderable number of the armed forces of the Government. Occasionally voices were raised in behalf of the Indians and demands made that a more humane policy be inaugurated; but the tide remorselessly pressed onward, and the Indians were driven from east of the Mississippi to the Great Plains and to the western regions of our country. The Indians, however, soon discovered that they could not have peace or rest even in this almost boundless region into which they had been driven. The white man still pursued them; and their hunting and fishing grounds were invaded, and their independence and freedom still further restricted. The injustice of this policy resulted in the establishment of reservations upon which the Indians were placed, where it was believed by them they might live without further molestation. Indeed, they were promised security and immunity from interference. It is true the Indians, in many instances, objected to this policy and to the restrictions which were imposed upon them, but within the reservations there was not security or protection from the invading whites. Often in contravention of solemn treaties the boundaries of their reservations were narrowed and the territory guaranteed to them by treaty was taken from them to be occupied by their pursuers. Many reservations were established by Executive proclamations, and Indian tribes removed thereto, against their will, from lands which they were in possession of and which belonged to them.

Some of the reservations to which they were removed consisted of desert, arid, and mountainous lands, barren of resources which would furnish them the necessities of life. This policy of the Government in dealing with the Indians often aroused the Indians and resulted in armed conflicts. These Indian wars resulted in the loss of many lives and cost the Government tens of millions of dollars.

Military forts were established in many of the Western States and Territories; and the Indians, under the threat of further military operations, gradually accepted the situation; but there rankled in their hearts a feeling that they had been grievously wronged, and that the white man had robbed and despoiled them of their lands and subjected them to a despotic rule.

As the Indians were driven from their homes and hunting grounds, and as the reservations assigned to them were narrowed and restricted, starvation and death invaded many tribes, and the surviving members not infrequently sank into a most wretched condition. The Government, sometimes for the purpose of ending wars and because the means of livelihood had been taken from the militant tribes, introduced the system of ration, which has not proven of advantage to the Indians. That the policy of the Government in dealing with the Indians has been a tragic blunder must be conceded by all. Indeed, many have said it has been indefensible and criminal. Certainly it can not be defended. Under it the Indians have been robbed and despoiled of their lands, and have been surrounded by ob-

stacles that have prevented their development and progress. Examples are numerous showing the capacity of the Indians for intellectual and cultural growth. Under proper treatment they can reach a high state of civilization. Our policy has prevented their growth, intellectually and morally.

From the beginning the attitude of the Government and of American citizens toward the Indian has been wrong. That is apparent from the record which has been made. It seems unbelievable that a great Christian nation such as this, with its wealth and its progress, should have such imperfect and unsound measures to deal with this important problem; and even now, with the monumental evidences of failure and injustice that surround us, we seem incompetent to evolve a better system or to change from the disastrous policies which we have so fanatically followed. Investigations have been made from time to time, based upon confessions that the Government had failed in its duty and that the Indians were the victims of an unwise and unjust system. Recommendations which have been made have been wholly ignored. A bureaucratic system has been built up under Federal legislation, and it has contributed to the failures and injustices to which I have referred. Perhaps in no department of the Government is there such an inefficient and oppressive bureaucracy as that which has grown up in the Indian Bureau.

I pause here to remark that I agree with the statement just made by my distinguished friend from Oklahoma [Mr. THOMAS]. No doubt most of the employees in the Indian Bureau faithfully performed their duties, but they were bound by rules and regulations and bureaucratic control to the extent that they could not render efficient service. They were hampered and gagged and could act only as the machine permitted. The system is defective and the inertia of bureaucracy has affected the morale of the department and those within it. However, Congress can not escape responsibility. It has failed to visualize this great problem and to understand the vital issues involved in the Indian problem, and it has failed to devise means that would advance the Indian and promote his civilization; and many in the Indian Bureau have felt compelled to follow the lines laid down by Congress when their judgment indicated that a wiser and different course was imperatively required if the civilization and development of the Indians were to be realized.

I hope that the new Commissioner of Indian Affairs, benefiting by the experience of the past, appreciating the weakness and the tyranny and the inefficiency and the wrongs of bureaucracy, will, so far as he has power, hew out a new path, cut the red tape which to-day envelops the bureau and its employees, and inaugurate policies that will adequately deal with the situation.

Commissioner Rhoads has an opportunity for great public service, for a fine humanitarian work; and he will win for himself a crown of glory if he will overthrow the archaic methods which have controlled in the past and adopt a rational, sound, and humane policy that will free this Government from just criticism and help the Indians to work out their destiny.

But, Mr. President, whenever legislation has been suggested in the interest of the Indians, the Indian Bureau has usually opposed it. It has been a law unto itself. It has been hostile to those suggestions which mean emancipation from archaic conditions, liberation from bureaucracy and the red tape and the tyranny which has been its guide.

I am reminded of a statement made by a distinguished Congressman, Hon. CLYDE KELLY, of Pennsylvania, a Republican, during a Democratic administration, as I now recall, in an address which he delivered in the House of Representatives a number of years ago. In speaking of the Indian Bureau, he said:

The Indian Bureau system is a wastrel, profligate beyond description. It wastes every year millions of dollars collected from American taxpayers, and millions more abstracted from the possessions of the Indians themselves. It wastes still other millions which would accrue from this untaxed Indian wealth, once it was Americanized. It wastes the self-respect of a race and the possibilities of a proud people. It wastes material resources by inefficiency, and spiritual resources by dependency and pauperism. It wastes the confidence of the Indians by setting up decoys that

lead them to their doom. It wastes their labor by setting them at futile tasks which have no value in American civilization. It wastes their youth in segregated schools which perpetuate tribalism. It wastes their maturity by keeping them in wigwams and teepees and making them aliens in the land of their fathers. It wastes money and manhood, character and citizenship, and conserves only idleness and ignorance and vice. In this day of conservation, it is time to stop this waste. In this day when overburdened taxpayers are praying for economy it is time to save money whose expenditure works injury to the American Indian and the American public alike.

A number of years ago an investigation of the Indian Bureau and the condition of the Indians was made by a committee of the House. Hon. Homer P. Snyder, as I recall, was the chairman of the committee—a Republican from the State of New York. After the investigation, in a speech delivered in the House, he referred to the work of the committee and the result of the investigation. In the course of his remarks he said:

The Indian Bureau is a government within itself. As it is now managed, there is not a single activity carried on in the Government itself that is not carried on under the Indian Bureau except that of the Army and the Navy. Originally it was the plan to develop that bureau in the interest of the Indian, to educate him, and to encourage him to become a citizen. But every single activity which could be dragged into it under the guise of some benefit to the Indian has been injected until it would take not only the three months we have spent in the investigation but it would take double that time to make a comprehensive report of the things which are wrong in the bureau and which ought to be corrected. . . . There are treaties which ought to be wiped out. . . . The bureau seems to the committee to be almost a government within a government. So little attention has been paid to it that the appropriations during the last six years have increased from \$9,000,000 plus to approximately \$16,000,000. . . . The statutory list of employees in the service at the present time is something over 6,000.

I wonder what Mr. Snyder would say now if he learned that the appropriation bill before us carries more than \$28,000,000 for the Indian Bureau for the next fiscal year. I shall refer to this statement of Congressman Snyder later in my remarks.

Congressman KELLY, in the speech to which I have referred, stated that the \$13,000,000 expended by the Indian Bureau is to enable—

More than 5,000 Government employees to supervise and superintend less than 50,000 Indian families. It assigns a Government agent to every 10 families for 1923, as has been the case for many years.

He also stated that this large appropriation—

Not only did not benefit the Indians, but that they have been injured thereby, and that the Indian would be better off if the bureau had been abolished 25 years ago.

He further said:

The Indians for 90 years have been under the complete control of the Indian Bureau, during which time they have been forcibly driven off their home lands and herded into reservations which were laid out in secret treaties and which have been cut in two oftentimes without a word to the Indians concerned. Not a treaty made by the United States Government with the Indians has been kept; and these acts of faithlessness have either been initiated or approved by the Indian Bureau, this great protector of a helpless people. . . . But let us forget that black, hideous page of our history. These reservations, diminished even as they have been, have become very valuable.

He quotes from a book written by James McLaughlin, who for 50 years was an American official dealing with the Indian problem. Mr. McLaughlin says:

It appears to me that it is the duty of the Government to make some provision presently for the emancipation of these unhappy victims, to deliver them from the evils that guarantee a future of ungentle paupery, by giving to the Indian his portion and turning him adrift to work out his own salvation.

Major McLaughlin further stated:

The Indian was in turn browbeaten and cajoled, bribed and punished, threatened and rewarded, and all the worst elements in his character developed for want of firm, consistent, and honest treatment.

He spoke of the South Dakota tribe of Indians, which for many years lived on its own resources and conquered the difficulties before it. He states that when their lands were sold and tribal funds developed under the control of the Indian Bureau—

The condition of these Indians to-day is not as hopeful as it was when they had no wealth in expectancy and no payments to depend upon . . . their advancement has been greatly retarded by the system under which they live.

He stated that the system under which they struggled was to make of them—

Paupers in chancery and that they would be better off, so far as the future was concerned, if they stood as blanketed Indians on the virgin prairie.

Mr. President, this is the testimony of an American, a man of ability, who sympathized with the Indians and desired their welfare, and who speaks out of the plentitude of his 50 years of experience with the Indians.

Mr. McLaughlin's knowledge of the work of the Indian Bureau enables him to speak authoritatively of its inefficiency, extravagance, and waste, to say nothing of its demoralizing effects upon the morale and character of the Indians themselves.

Mr. KELLY, in his address, refers to the methods employed by the Indian Bureau to perpetuate its power, and to nullify any efforts to improve the situation and bring about better conditions and more satisfactory results. He states that if an Indian shows any activity against the Bureau system or control, though he may have the support of a vast majority of the members of his tribe, that means nothing to the superintendent, who has the power to say "no." He then states:

It would take volumes to record the schemes which have been used to overthrow the will of the majority and substitute the will of a minority.

Mr. President, I have had hundreds of letters from Indians in all parts of the United States during the past 10 years, in which facts have been detailed showing the efforts of the Indian Bureau, of Indian agents in charge of reservations, and of subordinate officials, to compel the Indians to be silent when they desired to protest against wrongs and injustices to which they were subjected. When Indians dared to speak, and when they sought to bring to Senators or Representatives their grievances, efforts were made to punish them or to compel retractions, or to undermine what little influence they might have had among their associates in the tribes with which they were identified. Silence must be observed, the facts must be concealed, and the protests of the Indians against their wrongs must be hidden from the Congress and from the public.

Quite recently, when a committee came here to speak for the Indians, efforts were made by those in charge at the agency to undermine them, to procure their recall, to nullify any work which they might do in behalf of the Indians. I could refer to many instances where efforts have been made by the Indian Bureau or its subordinate officials to prevent the facts and the complaints made by Indians being brought to the attention of Congress.

Mr. KELLY in his speech refers to the rump conventions, meetings of the faithful without notice to any others, refusal to authorize traveling expenses, and the devious but effective methods employed by the bureau in smothering the desires of the Indians. Then he says:

It is brutal business, but necessary if the bureau is to endure.

He mentions a case where the Flathead Indians had an election, but the results were nullified because the superintendent did not approve of the action of the tribe.

Mr. KELLY says the Indians have interests which will forever conflict with the interests of the Indian Bureau and therefore the latter does not allow the Indians to elect their own delegates freely, nor can the Indians even select their own attorneys. I know that as a fact.

I quote further from Mr. KELLY:

Officials on the reservation and in Washington promise special favors for the silence of leaders who have voiced complaints. It is very easy to throw money and position in the way of the man who is a potential trouble maker for the bureau. Many have been tempted and some have fallen, but it is well to record for the sake of human nature that the great majority have spurned the bureau bribe and have refused to sell out their fellows for individual gain. . . .

He refers to the efforts made to set one tribe against another—Flatheads against the Blackfeet and the Sioux against the Crows.

I am tempted to refer further to the speech of Mr. KELLY, wherein he shows the misconduct of the Government in dealing with the Indians. In 1855 the United States negotiated a treaty with the Blackfeet Indians which recognized their ownership to a large tract of territory bounded on the north by the Canadian line, on the west by the summit of the Rockies, and on the south by the Musselshell River and the Missouri to the mouth of the Milk River, and on the east from the mouth of the Milk River north to the Canadian line. That was to be the home and the hunting ground of the Indians, and in 1887 an Executive order, followed by other Executive orders, took away, without consulting the Indians, more than one-half of their lands. They were not advised of these various Executive acts until the military forces of the United States rounded up the Indians and drove them north.

Though the Indian Bureau was to furnish them food supplies under the treaty, in the winter of 1887 many hundreds of the Indians died by starvation.

In 1887 the Government urged the Indians to dispose of a part of their territory, and later, in 1896, the Government sent other representatives to urge them to sell the western part of the reservation. The Indians, in dealing on unequal terms, and subjected to influences coercive or otherwise, yielded, and there were placed to their credit in the Treasury \$3,000,000; but this sum has been spent by the Indian Bureau for the alleged benefit of the Indians, though they have not been benefited. The fact is that starvation and disease and ill treatment at the hands of the Government and of the Indian Bureau decimated their ranks and brought misery and wretchedness upon them.

Mr. W. W. Gibbs, who was an inspector in the Indian Service and who resigned, stated that he entered the service—

"In the belief that the Indian Bureau was designed and conducted as a benefaction to the race," but that he was leaving the service, convinced that it is the Indian's "Old Man of the Sea," who will try to cling around his neck in a strangle hold forever.

In an article published January 14, 1917, Mr. Gibbs stated that from contact and association with the Indian he had become convinced that—

His treatment by the Government is one of continued error heaped upon initial mistake—

He refers to the condition of the Indians as serfdom, which—

is a greater reproach to this Nation than was the slavery of the negro. The tenure of the title to his lands and the holding of his funds by the Government are sometimes used to coerce him into compliance with the Government requirements, thus sapping independence and undermining his character.

Mr. President, Mr. O. K. Chandler, who has Indian blood in his veins, and who is a man of integrity and intelligence, and who now represents, I understand, the Osages, the Quapaws, and perhaps some branches of some other tribes, and who is in Washington in the interest of the Indians, wrote a letter on the 8th instant to the senior Senator from North Dakota [Mr. FRAZIER], chairman of the Committee on Indian Affairs. I want to read this letter. He states:

WASHINGTON, D. C., January 8, 1931.

HON. LYNN J. FRAZIER,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.

MY DEAR MR. FRAZIER: You will pardon me, but I just wish to get this thought across to you; it's true and reflected all down through the so-called "Indian policy" from its inception to where it has about reached, so far as the Indian is concerned, the last stage of decay:

The Indian Bureau has followed relentlessly, from a property standpoint and a human standpoint, in the handling of the Indian problem the policy of "don't let your right hand know what your left hand is doing," until the Indian is thoroughly convinced, justly or unjustly, that the bureau is doing him with both hands. And he will never get away from this viewpoint as long as the bureau keeps his hands out of his dough and their hands in—to the elbow. And the problem would become more simple and easier of solution if the bureau could tear itself away from looking upon the Indian as "none are good; no, not one,"

in the shaping of the Indian's future course of conduct and making that course possible of accomplishment.

These principles are fundamental and date back to the beginning. Take away from any race its property, its government; destroy its leadership, and deny it a voice or major cooperative part in the handling of the property of which you have dispossessed it, upon what sane theory could you expect that race to soar to heights equal to that of a race enjoying all these privileges and opportunities? It doesn't make any difference whether you start with a wild race or a tame one—you will have a dead race at the finish.

With kind regards, I am sincerely,

O. K. CHANDLER.

Mr. President, that man speaks with knowledge. He was in the Indian Service for a number of years and became acquainted with the operations of the bureau and the unsatisfactory results of its administration.

In my opinion, Congress has been derelict in its duty. Its attention has frequently been challenged to the wrongs which have been inflicted upon the Indians and the obstacles which have been interposed to legislation in their behalf. Its attention has been challenged to the Indian Bureau, and to the weakness and inadequacy of the system developed for the control of the Indians to bring about their happiness and welfare and qualify them for citizenship in this Republic. Notwithstanding these complaints, Congress has failed to deal with this question in a broad, comprehensive, and fundamental way, as a result of which there is still an Indian problem. There is no consistent, rational, sound, and satisfactory program for the development and civilization of the Indians. The Government as well as the Indian Bureau are still wandering in uncertain and devious paths, with no well-defined objective.

A committee of the Senate, under a resolution authorizing a searching and thorough investigation of the whole Indian question, has been conducting hearings in Washington and at various reservations, and has accumulated important data which will be useful if Congress and the Indian Bureau are willing to deal with this problem and determine once and for all upon a policy which will result in the salvation of the Indians temporally and spiritually. But there are evidences that the Indian Bureau and its army of employees will be averse to accepting recommendations by the committee. Indeed, as I am advised, there have been efforts to thwart its work and to discredit its activities. I can only express the hope that the investigation will prove of benefit to the Indians and an advantage to the Government; that it will be the basis of a new policy which will redound to the advantage of the Indians and enable, if it does not require, the Government to discharge in an honorable way the heavy responsibilities resting upon it as the guardian of more than 200,000 human beings.

A few days ago in the consideration of the bill now before us, I referred to the fact that much was expected of the new Indian Commissioner, but I stated that unless he had great courage and a definite objective, he would be crushed beneath the forces of a powerful bureaucracy. It is a difficult task to combat an old system founded upon bureaucratic regulation. It is one of the evils incident to all governments that powerful machines will develop; that reactionary forces are consolidated and become entrenched, and oppose reform and fight against the sunlight of progress that should stream into dark recesses of governmental and bureaucratic organizations.

I referred in my address a few days ago to what is called the "Report of Advisors on Irrigation on Indian Reservations." Secretary Work appointed in 1927 a commission consisting of Porter J. Preston, an engineer of the Bureau of Reclamation; Ray P. Teele, agricultural expert of the Agricultural Department; and C. A. Engle, supervising engineer of the Bureau of Indian Affairs, to make a survey of the Indian reclamation projects and to consider other questions connected with the functions of the Indian Bureau and conditions of the Indians. Unfortunately Mr. Teele died before the work of the commission was completed, but the commission continued in the execution of its task and submitted a voluminous report, consisting of some five hundred pages of closely printed matter, relating to many questions dealing with the Indian problem, the work of the Govern-

ment, and the work of the Indian Bureau dealing with the Indians. The report contains important data, and as I view it is a strong indictment of the Indian Bureau, and particularly its work in connection with irrigation projects. It shows the enormous sums which have been wasted by the Indian Bureau, the unsatisfactory results of many of its activities, and the deplorable condition of the Indians. I referred to the fact that this report slumbered in the archives of the Indian Bureau and perhaps would not have seen the light of day had it not been for the efforts of the Senate committee, which, as I have stated, is making an investigation of the Indian question. In the report I note under the head of "Some of the Effects and Difficulties of the Indian Bureau" that the commission declared—

That there is too much centralization of authority in the Washington office; that the officials who know the Indians and the local conditions have no authority, and that the officials who do have authority do not know the Indians and the local conditions.

The further statement is made that one of the defects of the Indian Bureau is the "disposition to continue doing things in the same way."

That is one of the propensities, the ineradicable quality of bureaucracy—continuing to do things in the same old way with all of the faults and follies and wrongs that have been incident to carrying out policies in the old way.

I commend this report to Senators and to those who are seeking to know the facts concerning the Indian situation and the work of the Indian Bureau. The report, among other things, calls attention to the 24,000 Indians suffering from tuberculosis, and to the 34,000 afflicted with trachoma.

Mr. C. R. Trowbridge, inspector, made a report in August, 1928, concerning conditions upon the Klamath Indian Reservation. From my study of the condition of the Indians I feel certain that if reports were made as to conditions upon other reservations they would reveal a situation far more deplorable and calling for more severe criticism than the report dealing with the Klamath Reservation. Under the head of "General Conditions," this paragraph appears:

General conditions are considered only fair, criticism confined largely to excessive cost of operations; unsatisfactory service rendered by some employees; lack of law and order enforcement and evident irregularities in grazing feature. Superintendent inclined to leniency with employees. Comparatively few individual complaints from Indians. Demands for removal of superintendent covered in petitions and reports submitted. Excessive absences of superintendent not conducive to efficiency.

Great possibilities for economy by abandonment of sawmill, irrigation project, and experimental farm. Not self-supporting and annual deficits, with no possibility for redemption. Budget estimates usually approved for full amount and naturally expended during fiscal year. Indians object to excessive cost of administration, ranging from 14 to 22 per cent of gross income for past three years. Excessive loans to patent-in-fee Indians, with many not secured. Office organization weak. Lax system in labor employment provided opportunity for fraud. General shake-up in personnel desirable. Excessive number of employees in forestry branch. Gross ignorance of regulations both forestry and agency branches. Breach between superintendent and forestry officials. Forestry employees performing outside work, with pay from logging companies. Heretofore, free subsistence at expense of logging companies, therefore obligated.

In another part of the report he refers to the per capita costs which are to be met by the Indians in administering the Klamath Reservation. He states that for the year 1927 the per capita costs amount to \$83 and that the Klamath Indians receive only 78 cents of each dollar of income received by them from their properties during the preceding fiscal year.

Speaking of the Indian Bureau, Mr. Edgar B. Meritt, who was with the Indian Bureau for many years as assistant commissioner and whose place has been taken by Mr. Scattergood, while testifying before the House Committee on Indian Affairs (p. 415, Vol. I), stated it was his belief that—

The Indian Bureau should separate itself from the activities of the Indians as fast as the Indians could handle their own affairs.

That was the deliberate judgment of Mr. Meritt as expressed then. I regret to say that in his activities he did not follow, as I recall, that expressed judgment, and that the policies of the bureau for which he was in part responsi-

ble were calculated to superimpose indefinitely the bureau upon the Indians and to keep them in a state of dependency.

Mr. Meritt further stated, I believe—

That we have reached the highest pinnacle at this time of cost to the Government in handling Indian affairs.

Measure that statement, Mr. President, by the bill now before us calling for more than \$28,000,000 for the next fiscal year for the Indian Bureau. At the time this statement was made by Mr. Meritt the expenses of the bureau were very much less by several million dollars than they are for the next fiscal year.

He further stated:

It is my belief that there will be an Indian Bureau for a great many years, but that it will have its work very much reduced inside of 20 years.

At that time the appropriations for the bureau for the year when Mr. Meritt was testifying were \$12,586,336. For the year 1932 the appropriations for the bureau will be more than \$28,000,000.

In a report submitted by Mr. Cramton, accompanying the Interior appropriation bill for the fiscal year 1932, it is stated that in addition to the estimated appropriation of \$24,840,801.76, the appropriations recommended for their benefit amount to \$3,275,963. These two sums aggregate more than \$28,000,000. These facts disprove Mr. Meritt's statement that the work of the Indian Bureau will be very much reduced inside of 20 years. This bureau knows no limitation upon its expansion. It is increasing in power and authority, and its demands annually increase.

An examination of the hearings before the House committee reveals that its demands for appropriations are not denied. In my opinion, and I say this without desiring to criticize Congress or its committees, the justifications submitted by the Indian Bureau, as well as other departments, upon which appropriation bills are reported are not sufficient to justify the demands made or to warrant the appropriations which follow.

I wish I had time to challenge attention to the hearings before the House committee upon the 1931 and the 1932 appropriation bills. I think that I am within the bounds of accuracy when I state that the hearings are disappointing to those who seek to learn the condition of the Indians and their needs. The representatives of the various departments and bureaus—and I am speaking now particularly of the Indian Bureau—submit statements as to what they want. These are called "justifications." In substantially all instances the amounts asked for are granted. It seems to me, Mr. President, that vigorous cross-examination of the representatives of the various bureaus would elicit the fact that many of the items which are demanded are extravagant and wasteful and that the appropriations carried in the bills are not justified.

Referring to the Indian Bureau I find in the House hearings upon the Interior Department appropriation bill for 1931 a statement by Mr. W. A. Du Puy, assistant in charge of publicity, Indian Bureau.

May I say by way of parenthesis that many of the bureaus have publicity agents, and the departments have publicity organizations, which are used to voice the views of their officials and indirectly to defend their policies. However, this publicity agent wrote a letter which was condemnatory of the bureau with which he was connected. The following is from the letter:

The condition of our Indians is deplorable. Something has got to be done about it. It ought to be brought out in the open and talked about until the people and Congress are aroused to action.

Mr. Du Puy was suggesting to the editor of Good Housekeeping that there should be agitation to accomplish this result.

It would be a work of supererogation to marshal the volume of testimony given before committees and by persons familiar with the Indian Bureau and its workings. The condition of the Indians after half a billion dollars has been spent in their behalf during the past 50 years proves that the Indian Bureau has failed in its duty, and that Congress has been indifferent to the magnitude of the Indian prob-

lem and the inadequacy of the measures adopted for the salvation of the Indians. It is time that Congress addressed itself with earnestness to remedy a situation which subjects it and its agents to merited criticism. Human beings are involved; not only their property rights but their personal rights are in the hands of the Government and its agencies. The Indians are powerless; they have been stripped of their property, and, as Secretary Wilbur said, "have been kept serfs of the soil."

The bill under consideration does not challenge the old way and the old methods but strengthens them; and as I view the situation, it gives no promise of relief from the bureaucratic policies which have borne so heavily upon the wards of the Government. Fundamental changes are required in order to deal justly with the Indians. Pending these fundamental changes there should be radical changes in administrative policies.

The Forest Service in the bureau should be reorganized. Under the present policy the Indian forests will soon be destroyed, and the Indians who own them will be deprived of any source of revenue. May I add, parenthetically, that the La Follette Act of 1909 dealing with the Menominee Indians required selective cutting, but the Indian Bureau violated the law and "cut clean"—a phrase which is readily understood by lumbermen—until the year 1926. It is believed by many that if the control of the Indian timber should be transferred to the United States Forestry Service it would be more advantageous to the Indians than the policy pursued by the Indian Bureau.

There should be an immediate reorganization of the irrigation service. A number of projects should be transferred to the Reclamation Bureau in harmony with the recommendations contained in the Preston-Engle report.

In any event, there should be an appraisal of the benefits derived or to be derived by the users of the water supplied by the irrigation projects. In all of the irrigation projects the indebtedness should be scaled down to a figure which is fair and just and, of course, which is below the total indebtedness shown by the Indian Bureau. There should be no further money wasted upon projects condemned by all the engineers, among them being Fort Peck, Blackfeet, Klamath, and the present extensions upon the Flathead, Crow, Fort Belknap, and one or two other reservations.

It is important that steps should be taken to terminate the present extravagant and, as many believe, the inhuman boarding-school system. In 1932 the boarding schools are to receive \$11,000,000, as shown by the pending bill, for 21,000 children, or more than \$500 for each child. If these children were placed in day schools at or near their homes, the cost would not exceed \$100 per child and, of course, the result would be infinitely better. This would supply \$8,000,000 or more for the benefit of the Indians or to be returned to the Treasury.

It may be that boarding schools are necessary upon portions of the Navajo Reservation, and possibly in one or two other reservations. At least 98 per cent of the Indian children who have attended boarding schools returned to their homes. They have not been fitted by the instructions received—or the lack of instruction, I should say—in the boarding schools, to find places in the economic and industrial field occupied by the whites; and upon return to their homes have become a part of the tribe and have accepted the tribal customs. It can be said that the boarding schools, so far as fitting the Indian children for a place in the industrial life of the whites is concerned, have been failures. A limited number hold their own and become useful citizens. However, because of their isolation in the boarding schools, they can not adjust to conditions existing among the white race. They face a situation in which, no matter how desirous they may be to succeed and no matter how intellectual they may be, they encounter almost insurmountable obstacles to success.

The day-school system would secure better results and certainly would be more satisfactory if the Indians were

permitted to attend schools where white children are being educated.

There are 103,368 Indian children eligible for school. There are 67,525 in some school—the rest are not in any school. There are about 21,000 in Government boarding schools and about 4,000 more in missionary boarding schools. There are 36,000 in public schools and about 5,000 in Indian Bureau day schools.

Mr. President, I call attention in corroboration of what I have said concerning the boarding schools to a memorandum prepared by Mr. Chauncy S. Goodrich, of San Francisco. Mr. Goodrich is a lawyer of eminence and is familiar with the Indian situation. The memorandum, however, deals rather with the authority of the Indian Bureau to force Indian children into boarding schools:

It is well known that Indian parents are induced to let their children go to boarding schools under threats, sometimes veiled, sometimes not, that otherwise they will not receive from the Government their full quota of rations, etc., even though these are secured by treaty. Sometimes threats fail, or their use is deemed unavailing, so force is employed, as Mr. Dane Coolidge's statement makes clear.

He refers to an article by Mr. Coolidge entitled "Child Catching Among the Navajos."

What is not so well known is that such threats, or force, to coerce Indian children's attendance at schools off the reservations are absolutely illegal. In the brief period 1893-94 this was not the case. Congress in the earlier year gave statutory effect to a policy enabling Indian agents to secure school attendance by the withdrawal of rations, clothing, annuities, etc., from parents whose children played hookey. (27 U. S. Stats. L. 628, 635.) But in 1894-95 it retraced this rather questionable step, required consent to be voluntary, and declared:

"It shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding rations or by other improper means the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation." (28 U. S. Stats. L. 313, 906.)

And subsequent legislation was along the lines of requiring the parents' voluntary consent. (29 U. S. Stat. L. 348.) Although the policy of enforcing school attendance by withdrawal of rations was again authorized in 1913, in the case of a single tribe, the Osages. (38 U. S. Stats. L. 96.)

There is only one Federal decision on the point in question. But it clearly defines the situation after the enactments of 1894-95. Judge Shiras said, in a case involving the liberty of an Indian girl, removed from a reservation to a boarding school only a few miles away (In re Lelah-Puc-Ka-Chee, 98 Fed. 429, 433-435):

"The next question for consideration is whether the Indian agent has a right to compel the attendance of the Indian at the training school, regardless of the wishes of the parents or of the children themselves. My attention has not been called to any act of Congress making attendance upon this school compulsory upon the children of the reservation, or conferring upon the agent the power to take the children from their homes and place them in the school, and to enforce their remaining at the school by measures restrictive of their personal liberty; and I do not understand that this compulsory power is claimed to exist, on behalf of the respondents. In the answer filed to the petition for the issuance of the writ, it is averred that:

"Under the laws of Congress, and in accordance with the provisions of the rules and regulations of the Commissioner of Indian Affairs, it is the duty of the agent of said reservation and the superintendent of the Indian school, in so far as possible, to secure the attendance of said school of all children between the ages of 5 and 18 years."

And this statement, in my judgment, fairly defines the power vested in respondents as Indian agent and superintendent of the Indian school.

But the duty to secure the attendance of the children at the school does not include the power to compel their attendance by force, contrary to the wishes of their parents. Certainly the right to supersede and override parental control in such matters can not be based on anything less than congressional action to that end, even if that would be effectual unless it was concurred in by the Indians acting in their tribal capacity.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the remainder of the memorandum, prepared by Mr. Goodrich, from which I have been reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The judge then considers the coercive statute of 1893, and its repeal in 1894-95. He says:

"Under the provisions of this section of the act of 1895 Indian agents and school superintendents are clearly prohibited from using compulsory means, such as withholding of rations, payment

of annuities, or the like, in order to coerce the parents or next of kin of any Indian child into permitting the removal of the child beyond the reservation; and this congressional enactment necessarily abrogates and nullifies all rules and regulations of the Department of the Interior, or any of its bureaus, which conflict therewith. As the Indian training school in Tama County is beyond the limits of the reservation, the statute just cited is applicable thereto; and under its provisions the agent in charge thereof is forbidden from coercing the parents of the children, by withholding rations, annuities, or the like, into giving consent to the removal of their children beyond the limits of the reservation, in order that they may be placed in the training school. Not only does it appear that Congress has not conferred upon the Indian agents and school superintendents the power to take the Indian children by force and remove them to schools situated beyond the reservation, without the consent of the parents or next of kin, but, on the contrary, the consent of the parents is made a condition to such removal, as well as in cases wherein it is proposed to place Indian children in white families. I can see no other conclusion from the statute applicable to the situation than that in this case. The Indian agent and school superintendent must seek to secure the attendance of the children of the reservation at the training school through the influence of the tribe and of the parents of the children; and, to secure such influence, the good will and confidence of the adults of the tribe must be acquired. This will doubtless require time and careful and discreet conduct on the part of the officials. If I am correctly informed, much dislike toward the school as a place for the education of the Indian children now exists among many of the tribe, due partly to the natural belief among the Indians that the school training is intended to alienate the pupils from their tribe, but also partly due to the overzeal in the past management of the affairs of the agency, and to unwelcome interference of third parties, which has resulted in mistrust of the motives of those in charge of the reservation and a consequent antagonism to plans and purposes intended for the actual advancement and betterment of the condition of the Indians. Owing to the inherent nature of the Indians and to the conflict that has existed between them and the whites since the advent of the latter upon this continent, it must be expected that their suspicions of the motives of the whites will be easily aroused and can not be readily allayed. It would seem clear that the success of the training school at Tama City, as now constituted, can not be assured unless it is so conducted as to win the confidence and good will of the tribe as a whole, or at least of a large portion of the more progressive element; and surely this can not be accomplished by the use of force or other means whereby the will of the Indian is overcome, leaving his judgment unconvinced. The school and attendance thereat should not be made a matter to be feared, but, on the contrary, the Indians should be led to understand that this school is an institution of their own reservation, and that attendance thereat and success therein will benefit their children as Indians, and that it is not the purpose to wean the children from the tribe and convert them into mere hangers on of the whites. The creation of this feeling of confidence in the beneficent purposes of the school can not be accomplished in a day, but it is the work to which the efforts of the agent and the superintendent should be directed, rather than to merely enlarging the compulsory attendance of the children of the reservation. As far as possible, all causes of irritation operating on the feelings of the adult Indians should be removed, and every means possible should be resorted to that will win their confidence and enlist their cooperation in carrying on the industrial education of their children."

The Government neither appealed the case nor elsewhere raised the question anew. Later, after the same agent had arrested an Indian who had helped an Indian mother rescue her child from the school, and such Indian, after obtaining his release in Judge Shiras's court, sued the agent for false arrest and recovered damages, the same jurist upheld the verdict, expressing regret that the damages awarded were so small. (*Peter v. Main*, 111 Fed. 244 (1901).)

Mention may also be made of an early State decision which passed on the question whether, under a treaty whereby the Blackfeet Indians pledged themselves to compel their children to attend school, such attendance could be compelled by the Indian agent. The Supreme Court of Montana said of this treaty (*U. S. v. Imoda*, 4 Mont. 38, 1 Pac. 721, 723 (1881)):

"It provides for a schoolhouse and a competent teacher at the agency, and the Indians on their part contract and promise to compel their children, male and female, between the ages of 6 and 16 to attend school, and it is made the duty of the agent to see that this stipulation is carried out. By the terms of the treaty the Indians are to compel their children to attend school. But the United States is given no authority over the children; certainly is not given the right to their custody and possession. The agent of the United States is only charged with the duty of seeing to it that the Indians redeem their pledge and send their children to school. But suppose they do not? Suppose they violate their pledge and fail to perform their contract? Is such failure accompanied by a penalty giving the United States the right to the possession of the children of the tribe? We think not. The United States can not compel these Indian children to attend the school. Such attendance can only be enforced by their parents or the Indians of the tribe."

To summarize: In 1892 Congress authorized the Commissioner of Indian Affairs to enforce school attendance "by proper means" (27 U. S. Stats. L. 143); in 1893 it authorized improper means,

but shamefacedly retraced its steps in 1894; since then it has again justified the use of coercion against one single tribe (Osages); such coercion is probably unconstitutional (see closing sentence of first quotation above from Judge Shiras); while it has since given the Secretary of the Interior power to enforce such rules "as may be necessary" to secure school attendance (41 U. S. Stats. L. 410), it can not be inferred this was intended to authorize "improper means," and, indeed, the inference to the contrary must be indulged in. Therefore, any use of force or coercion, employed to secure school attendance, is wholly unlawful.

Mr. KING. Senators will recall that in the memorandum from which I have just read, prepared by Mr. Goodrich, there is a reference to Mr. Dane Coolidge. Mr. Dane Coolidge, Mr. President, is a graduate of Stamford University; he was formerly field collector for the British Museum and the United States Biological Survey. He is the author of many books, and, with Mrs. Coolidge, has recently published a book on the Navajo Indians, on whose reservation they stayed at frequent intervals for a number of years.

Mr. Coolidge is a member of the American Society of Mammalogists, and is a member of the Authors' League of America. In a letter written by him under date of November 12, last year, to the Senator from North Dakota [Mr. FRAZIER], chairman of the subcommittee of the Senate Committee on Indian Affairs, he states:

DWIGHT WAY END, EAST, BERKELEY, CALIF.,
November 12, 1930.

HON. LYNN J. FRAZIER,

Chairman Subcommittee of the Senate

Committee on Indian Affairs, Washington, D. C.

MY DEAR SENATOR FRAZIER: At the request of John Collier, of the American Indian Defense Association, I am making you a brief statement of my experience with what I consider the greatest shame of the Indian Service—the rounding up of Indian children to be sent away to Government boarding schools. This business of "kid catching," as it is called, is rarely discussed with outsiders, either by the Indians or by Government employees, but during my numerous visits to the Navajo Reservation I have picked up a knowledge of its workings.

In the fall the Government stockmen, farmers, and other employees go out into the back country with trucks and bring in the children to school. Many apparently come willingly and gladly; but the wild Navajos, far back in the mountains, hide their children at the sound of a truck. So the stockmen, Indian police, and other mounted men are sent ahead to round them up. The children are caught, often roped like cattle, and taken away from their parents, many times never to return. They are transferred from school to school, given white people's names, forbidden to speak their own tongue, and when sent to distant schools are not taken home for three years.

Those children who are fortunate enough to be kept in the reservation schools, are allowed to go home every summer until they have passed the lower grades. Then they are sent far away—to Albuquerque, Phoenix, or Riverside—where they remain until from 16 to 18 years of age. During all this time they are under institutional care, such as with us is considered fit only for orphans, at a minimum of expense; and they return to their homes with a white man's education, but unable to talk to their parents.

It is the claim of the Indian Service that this education is necessary "to fit the Navajos to meet the competition of the outside world," but most of them come back to herd sheep. A few work in the railroad towns as mechanics and laborers, the girls as cooks and servants, but the majority of the schoolboys, who go into the outside world, do so as common laborers. They compete with Mexicans on the section gangs of the railroad or with negroes in the lumber camps at McNary, and the moral pollution which follows these contacts often turns them into despised "school bums."

Back in the hogans of their people the returned schoolboys are quite unfitted for their life. They can not even herd sheep. But generally the parents, or some rich member of their clan, will give them a start on shares and, marrying some returned schoolgirl, they will take up the life of an Indian. In exceptional cases they become truck drivers and traders or go into Government service, but for the girls there is almost no opportunity except in domestic service in town. They must start in all over again to learn to spin and weave and handle their sheep and goats.

It is a question, therefore, whether the benefits of this compulsory education justify the separation of little children from their mothers at the tender age of 6 or 7. If they run away from school on account of homesickness they are transferred to Phoenix or some far-distant place to be kept there three years, unreturned. In 1925, while visiting Henry Chee Dodge, then chief of the Navajo council, I noticed a sad-faced little boy who sat alone, always looking down the road. He had been sent to the Tohatchee School, some 60 miles from his home, but, becoming lonely for his mother, had run away several times. For this he had been ordered transferred to Phoenix and had ran away again. He had come to appeal to the chief of all the Navajos to save him from that long separation, but even the chief was powerless. He was compelled to surrender the boy to the school authorities and see him sent away.

While at Klag-e-toh trading post a Navajo girl ran away from the Burke School, about a hundred miles away, and came home. She was nearly 16 years old, but had been hidden in different sheep camps by her mother and could not speak a word of English. When she was taken to school she wore all her necklaces and jewelry, which were heirlooms, but these were taken from her. Then she was punished and shut up in a closet for repeatedly speaking Navajo. She ran away at last, but the trader did his duty and reported her presence to the school.

At this same post a Government stockman was boasting of his kindness while out collecting school children. In all his experience, he said, he had never had a mother make serious objection when he explained to her through his interpreter how well her child would be treated and how necessary it was that he should go. But the previous week, while driving along the highway near Houck, he had seen a boy herding sheep and had turned out across the flat and caught him. The mother wept and protested and even used violence; so, having no interpreter to explain, the stockman had taken the boy by force.

This stockman had previously been describing the overcrowded conditions at Fort Defiance, where, according to him, the children slept three in a bed, like sardines. But when I suggested that, knowing the crowded conditions and the mother's need for her boy, he might have passed by and said nothing, he replied in substance as follows:

"No, sir! That isn't the way the Government works. My orders are to bring in every child of school age, and that's what I'm going to do. It is up to the people at the fort to take care of them."

At that time, in 1928, on account of the spread of trachoma, certain schools on the reservation had been denominated "trachoma schools" and all infected children were transferred to them, while conversely, all uninfected children were sent away to nontrachoma schools. The superintendent at Fort Defiance was therefore overwhelmed by scores of strange, sick children, with no extra appropriation to care for them—his hospital all built but not a single bed provided, distracted parents rushing in to find their little ones; but his stockman was never too busy to stop and carry on his "kid snatching."

The heartbreak and misery of this compulsory taking of children was never more fully exemplified than on my recent visit to Lees Ferry, Ariz., where old Jodie, or Joe Palute, lives. He is the last of his people in that part of the country and he and his wife had 10 children. But, as they came of school age, they were taken from him, and of the first eight all but one died in school. One daughter survived and was sent to Riverside. But, like all of them, she was given a white person's name, her Indian name was not adequately recorded, and though he had tried to find where she is, the school has lost all track of her.

While working for me Jodie informed me that the truck was soon coming over to take his little boy and girl, the last 2 children of 10. His wife, he said, sat and cried all the time, and he asked me what he should do. I told Jodie, and I tell the world, that a mother has a right to her children. They are hers, and since the others had all died or been lost he should take these and his little band of sheep and hide far back in the mountains.

Poor old Jodie said nothing, and I suppose by this time his children are shut up in school. But every year in that school, as in most others, there are epidemics of influenza and other diseases. Very likely his last two will die. In special cases like that I think the Government should relent and allow them to grow up wild. And in all cases where the parents object or the children are afraid to go, I think the child catchers should be called off.

I have heard too many stories of cowboys running down children and bringing them hog-tied to town to think it is all an accident, due to the unthinking brutality of a superior race. It is a part of the regular system where the Indians are shy and wild—and no matter how crowded the buildings are the children are caught, just the same.

My reason for submitting these facts to your committee is that no Government employee, no matter how kind-hearted, would dare to mention the practice; while the traders and white residents on the reservation are even more compelled to silence. Yet it is a condition easily solved if day schools are installed and transfers to distant schools abolished. If they could see their children every day, as we see ours, the mothers would gladly send them to school. But if they are torn from their arms and transported far away, given strange names, and taught an alien tongue, the mothers will sit like old Jodie's wife and weep and watch the road.

DANE COOLIDGE.

(Notarized before Nancy M. Evans, notary public for Alameda County, whose commission expires August 1, 1934.)

Mr. President, before directing my remarks to the evils of the boarding school, I was calling attention to some suggestions of reforms which I thought should be put immediately into execution. Let me proceed with one or two further suggestions. Before doing so, however, may I state that the extravagance of the present boarding-school system is not only exemplified by the statement I have made, that under this bill \$500 per capita is to be paid for this boarding-school system, whereas in the day school, where the children will be at home and can see their parents, \$100 would be

sufficient, but I call attention to another item showing the extravagance of this system.

The Fort Totten School at North Dakota has 265 pupils. There are 45 school employees and 7 teachers—1 employee for every 6 children. This situation could be duplicated in practically all of the boarding schools upon the Indian reservations. I might add that many or some of the boarding schools are so crowded that the health of the children is impaired. It could not be otherwise.

Boarding schools should be abolished. The day school should be inaugurated. It would result in economies, and it would improve the morale of the Indians and make more certain their rehabilitation and their education.

Another matter to which I desire to call attention is that there should be an immediate cessation of misappropriating Indian tribal funds, which are expended without the consent of the Indians, and too often without any beneficial results. The entire allotment system should be reconsidered. The practice of disposing of allotted lands immediately upon the death of the allottees is harmful to the Indians.

In my opinion, under the policy now pursued by the Indian Bureau, within a few years most of the Indians will be landless; their allotments will be owned by the white settlers; and the Indians, without land, without resources, without means of support will be placed in a precarious situation, and probably will be charges upon the Government. Certainly, because of the failure of the Government to qualify them for industrial or other service they will not be capable of meeting the strenuous conditions of our industrial and economic life.

The so-called reimbursable charges, which have been imposed by the bureau upon allotted land contrary to law, should be charged off. The allotment act provides that the trust patent shall be discharged at the end of the trust period, free from lien or other incumbrance, and every trust patent contains similar language. The Indian Bureau has, however, disregarded the law; and when the Indians attempted to test the legal questions involved the bureau has refused to permit them to bring suits, on the ground that it was contrary to the economic program of the President.

It is believed by some Indians, and by those familiar with their needs, that the Indians should be permitted to combine their allotments into larger bodies of land capable of being operated in harmony with modern business methods. In other words, the Indians should be permitted to incorporate and operate under a modern corporate system, or perhaps under what some might call a limited communal system.

Mr. WALCOTT. Mr. President, may I interrupt the Senator with a question?

Mr. KING. I yield.

Mr. WALCOTT. When the Senator speaks of being incorporated, I take it that he means under the laws of the State.

Mr. KING. Yes; or in perhaps what might be denominated a voluntary association, or a sort of communal form. I do not mean, of course, in the sense of communism in Russia, but that they might be permitted to bring their lands together and operate them through a corporation or in a communal way, associating together as they have done in some reservations.

Mr. WALCOTT. The Senator, of course, is aware that that is quite a vital part of the program that is being seriously considered now by the Committee on Indian Affairs.

Mr. KING. I am glad that this matter is receiving attention, and hope that the committee may report some measure that will change the present system.

Secretary Work, in his report in 1927, pointed out that the credit available through the Indian Bureau availed practically nothing to the agricultural development of the Indians. The situation has not been remedied, and in the pending bill the Indians of the whole United States, exclusive of the 4,000 Pima Indians, are allowed only \$350,000 for agricultural credit for the next year, of which not more than \$65,000 can be loaned to any one tribe. This sum of \$350,000 must take care of the aged and infirm Indians

who have allotted land, and of higher education of all Indian boys and girls. This means a maximum agricultural credit of less than \$1.40 per year per Indian. The effect of this strangulation of credit is to compel the Indians to lease their lands to white lessees.

While upon that point may I say, although I intended to discuss it later, and may do so, that the policy pursued by the Indian Bureau is rapidly diminishing the allotted holdings of the Indians? They have no agricultural credit adequate for their needs and to enable them to develop and cultivate their lands. They are thus unable to reclaim their land; lacking in capital and in agricultural experience and training, they are helpless and become hopeless.

As Senators know, most of the lands allotted to the Indians are found in arid regions or in elevated plateaus or in mountainous districts. The lands are what are called "raw" lands and can only be reclaimed and made productive by strenuous means and by years of toil and struggle. The task of reclaiming these lands can only be performed by persons of resolute courage and high endeavor—persons who can stand the storms and tempests; the hardships and the vicissitudes that have attended the settlement of the West. The settlement of the Dakotas has been portrayed in a work entitled "Giants of the Earth." It required men and women to carry into these western wilds the flag and institutions of this Republic. The "Winning of the West" is an epic and a tragedy. Even now, with the lessons and experiences of the past, the white men and women who seek homes upon reclamation projects not infrequently despair and either abandon the quest or lose their lives in the unequal struggle with nature and savage elements. How can it be expected that the Indians, untrained and unskilled in agricultural pursuits—without some of the sturdy qualities that have characterized the pioneers of the West; without understanding the questions and problems involved in reclaiming arid wastes in producing crops—should succeed?

If the Government had, many years ago, adopted a policy that recognized the weaknesses, as well as the strength of the Indians—their qualities and capabilities—the limitations to which they were subject—and had, in a just and humane way, carried out a wise and sound policy, the Indian problem would have been solved. If the Indians had been instructed in agricultural pursuits, had been furnished competent and suitable teachers and aids, they would have advanced far along the pathway of independence. It was absurd to place the Indians upon arid and semiarid lands or in sections where climatic conditions forbade successful agricultural pursuits and expect them to make a success of farming and to become self-supporting. Obviously it was a cruel injustice to the Indians, after having placed them in this situation, to leave them without instruction and to foist upon them irrigation projects costing tens of millions of dollars which they were expected to meet, though it was manifest that some of these projects were not feasible and that much of the land under them was not susceptible of irrigation and that still other sections, because of the extreme altitude, required no irrigation. The Preston-Engle report shows that many of the irrigation projects were doomed to failure and that substantially all would prove of no advantage to the Indians.

The result has been that most of the irrigation projects have proven an injury to the Indians and have resulted or will result in the loss of their land allotments. Millions of dollars of alleged indebtedness have been piled upon the bowed backs of the Indians and each year their holdings have diminished and the white man has succeeded to the Indians' title. Unless a different policy is immediately entered upon and the Indians are trained in agricultural pursuits and fortified to meet the vicissitudes and trials of reclaiming arid lands, those having allotments under irrigation projects will lose their estates, will be condemned to poverty, and broken and dispirited they will be wanderers in the earth, incapable of breasting the industrial and economic billows which will engulf and destroy them. As

stated by the Preston-Engle report, the Indian allotments will soon pass into the hands of the white man.

Senators are familiar with the struggles and hardships encountered by the pioneers in reclaiming the deserts and the plains and the arid lands of the West. They know of the many failures which have attended reclamation projects and the millions which have been lost. The Reclamation Service has been compelled to admit that tens of millions of dollars have been lost in projects which were not feasible and to recommend that the settlers upon many other projects have their obligations scaled down and a long period of time granted, without interest, to make the required payments. The Reclamation Service has been criticized because of these engineering mistakes and the unwise policies which it has too often pursued. Many of the settlers upon the reclamation projects have had experience in business and in agricultural pursuits. They have in most instances had some capital and credit, and yet failure attended the struggles of many.

I repeat, the conduct of the Indian Bureau in handling irrigation projects and in its treatment of the Indians under these projects has been worse than a blunder; it has been a tragedy, and it will result in depriving the Indians of their property and wasting their lives in vain pursuits. It is a dark chapter that deals with the Indian irrigation projects.

The difficulty and, indeed, impossibility, of ascertaining what appropriations are made in behalf of tribes or groups of Indians, and the uses to which appropriations are made, and the complicated system employed by the Indian Bureau in keeping its accounts, call for drastic changes in the book-keeping and accounting system of the Indian Bureau. A new budgeting system is demanded which will enable Congress and the Indians to know what is being done with the moneys belonging to the Indians. There are many other suggestions which could be made as to immediate changes in the administration of Indian affairs that would rectify some of the evils now existing, but I shall await the report of the Frazier committee, believing that it will contain important recommendations and suggested reforms.

Mr. President, much has been said about the indifference of the Indian Bureau to the health of the Indians. The attention of the bureau has been challenged over and over again to the inadequacy of the measures adopted for the protection of the health of the Indians. The reports which have been made indicate a most distressing condition—lack of food, lack of sanitation, lack of medical care. There are millions for bureaucracy, but inadequate sums to preserve the lives of the Indians. In 1927, according to the Preston-Engle report, there were 24,000 Indians suffering from tuberculosis and more than 30,000 from trachoma.

Mr. President, under the head of "Ill Health Interferes with Farm Work," the Preston-Engle report—page 2775—contains this statement:

The failure of any Indians or some tribes to develop their land and to become self-supporting is attributable to ill health. Many are affected with inherited diseases, particularly with tuberculosis. On the Fort Belknap Reservation it is reported that about two-thirds of the Indians have tuberculosis. The prevalence of tuberculosis is frequently attributable to inadequate and insanitary housing conditions. On some reservations the Indians live in tents, tepees, or temporary shacks; on others, they have houses, but the houses, especially in winter, are closed tightly, and without means of ventilation. Another principal cause of ill health is undernourishment; many Indians do not have sufficient food, or food of proper variety. Among some tribes the drug habit is increasing at an alarming rate. It is stated by some who are apparently informed that more than half the Indians in some tribes are drug addicts.

Mr. President, many reports have been made showing the failure of the Indian Bureau to care for the health of the Indians. These reports have conclusively established that epidemics went unchecked, that conditions existed which inevitably would result in disease and death, and that proper sanitation was neglected; lack of nourishment existed; and yet, in the face of these reports, the bureau failed to meet the situation or to adopt those measures which common prudence required.

Mr. President, the Senator from Montana [Mr. WHEELER] a few days ago, when we were discussing the bill before us, referred to the Indian Bureau and its failure to properly discharge the duties devolving upon it. As Senators know, he is a member of the Frazier committee and has visited the reservations for the purpose of investigating conditions in order that he, with his associates, might carry out the instructions of the Senate found in the resolution under which the committee is acting.

In the course of a brief statement made by him he said:

Unless there is some improvement in the Indian Service with reference to taking care of the health and condition of the Indians, unless the people working in the Indian Service actually go out and do something for the Indians and thus do something to earn their salaries, which they are not doing at the present time, then I would be in favor of doing away with the Indian Bureau entirely, because I think in many instances the Indians would be better off without the Indian Bureau than with it, considering the way it has been conducted in the past in many of these places.

He also referred to the unsatisfactory method adopted by the Indian Bureau in dealing with the farming operations on Indian lands, and stated:

Our observation has been, since we have been on the committee investigating farming operations and how they have been conducted, that they have been carried on by the Indian Bureau in the most slipshod fashion. As a matter of fact, we visited, I believe, pretty nearly all of the reservations in the country. We have not found 10 of the so-called farmers that have actually gone out and visited the Indians or attempted to show them how to conduct their farming operations. We have gone to places where we would have whole tribes of Indians present and have asked the whole tribe if any Indians there had ever been shown by any farmer how to plant his crops and how to farm. Almost invariably at every place not an Indian could say that a farmer had ever been on his place to show him how to do any farming of any kind or character.

In Oklahoma, where we visited very recently, we found the bureau had field agents down there. The field agents as a matter of fact had not visited their Indians at all. Some of the Indians were found living in their little shacks sick and half starved, without food or clothing or anything else; no doctor had ever visited them; no field agent had ever visited them; not a person belonging to the Indian Service had ever visited their homes or witnessed their condition.

The Preston report declares that for a number of years the annual congressional appropriations ranged from \$12,000,000 to \$14,000,000. Two million or more of this sum was reimbursable, and the remainder was to be a gratuity appropriation. As I have heretofore shown, the appropriations have increased from year to year until the stupendous sum of \$28,000,000 is carried in the pending bill. From these vast appropriations no adequate results have been obtained, and it is manifest that under the present system the appropriations will be enlarged from year to year until all of the funds of the Indians have been wasted and absorbed, and that in the meantime, if they have not been made self-supporting, they will be left in a more helpless condition than they were when the Government asserted jurisdiction over them.

Mr. President, under the enforced policy of the bureau, the Indians are being deprived of their lands. The irrigation program carried forward by the bureau has proven a successful weapon in depriving the Indians of their allotments. It was obvious that the irrigation projects would prove costly. The Indians, however, were led to believe that they would be benefited by these projects and that their lands, where they could be irrigated, could obtain an adequate water supply at a comparatively small cost. All these representations have proven false, and the irrigation projects, as I have indicated, have been snares in the path of the Indians. The Indians were led to believe that when they received their allotments and obtained title to the same, their lands would be free from liens and encumbrances. The act of February 8, 1887, provides—

That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted for the period of 25 years, in trust for the sole use and benefit of the Indians to whom such allotments shall have been made, or, in case of his decease, of his heirs, according to the laws of the State or Territory where such land is located, and that at the expiration of said period the

United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charges or incumbrance whatsoever: *Provided*, That the President of the United States may in any case in his discretion extend the period * * *

Mr. President, notwithstanding this solemn declaration of the statute that when the United States conveyed the allotments to the Indian, or his heirs, the land should be received in fee and discharged of any trust and should be free from all charges and incumbrances whatsoever, the bureau has adopted a policy which, in its results, has deprived many of the Indians of their lands, and if continued will leave most of them landless and stripped of their possessions. Already we find many of the Indian allotments owned by the whites, and the report being made that the irrigation projects are for the white men instead of the Indians.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to his colleague?

Mr. KING. Certainly.

Mr. SMOOT. How would it be possible for the Government of the United States to say to a nonrestricted Indian that he should not sell his land if he had full title to it? I know that that policy could apply to the restricted Indian, but as to the nonrestricted Indian I do not think any such proposition ever could be put into force.

Mr. KING. If I understand my colleague I do not differ from him. There are about 225,000 restricted Indians and a large number of them have allotments under irrigation projects. I am referring in this branch of the discussion to the irrigation policy of the Indian Bureau. Of course, those Indians who have received their patents and are unrestricted may dispose of their lands, and, as I understand the law, the Government can not interfere.

In Oklahoma there are many unrestricted Indians that have received patents to their lands. They are citizens and many of them participate in the duties and responsibilities of citizenship and are engaged in activities common to the white people in the communities where they are found. But I am now referring, as stated, to those Indians who have allotments particularly in the States of North and South Dakota, Montana, Oregon, Washington, Wyoming, Utah, Colorado, Arizona, and New Mexico. However section 5 which I have quoted, as I understand the situation, applies to all lands patented by the Government to the Indians. Later, under this statute, they obtained their lands free of all charges or encumbrances whatsoever. Notwithstanding this statute, the Indians who have allotments under irrigation projects are not receiving their lands free from liens and encumbrances. Perhaps I should not limit this statement to Indians under irrigation projects. It may be that Indians not under these projects have imposed upon their lands liens and charges in contravention of the statute which I have quoted.

Mr. President, gratuities to the Indians have been made which, of course, were not to be charged against the Indians or made liens upon their lands. However, efforts have been made to saddle these gratuity appropriations upon Indian allotments and to create thereby liens which the Indian Bureau insists must be discharged. Prior to 1914 no attempt was made to charge these lands with these gratuity advancements made in aid of irrigation. However, in 1914, a law was passed, retroactive in terms, under which approximately \$4,000,000 of gratuity appropriations were declared to be liens upon the lands of the Indians. These gratuities, as well as others, made subsequent to 1914, are regarded by the Indian Bureau as liens upon Indian allotments, liens which must be paid. Thousands of acres of lands allotted to the Indians and which, under the law, were to be free from liens when title passed from the Government, have been charged with these liens and the Indians have been compelled to pay them.

Payment has been made in this manner: From year to year the lands have been charged with construction costs as well as charges for operation and maintenance, even though the Indians did not use the water and in many cases where the lands were not under canals

or ditches. Upon the death of an Indian the Indian Bureau disposed of his land. The white man was always the purchaser, but these accumulated costs and charges were treated as a lien. Although the white man may have assumed the payment of the same extended over a period of 40 years, the heirs of the Indian, if he had heirs, received for the land the agreed purchase price less the accumulated costs and charges; and where the Indians obtained patent and sold their lands, these accumulated costs and charges, many of which were illegally charged to the Indian, were treated as valid liens, and the vendee, while assuming them, obtaining, as stated, a 40-year period in which to make payment, secured the land for a price which took into account these accumulated costs and charges.

In other words, the Indians are receiving for their lands where they are disposed of, either by the living Indian or by the Government upon the death of an allottee, not the full value of the lands but the agreed value less the mountain of accumulated costs for construction and maintenance, which sometimes equal the price of the land itself. I am informed that in some instances where the bureau has attempted to sell the lands of deceased Indians the price offered was less than the accumulated costs. My information is that the costs of some of these irrigation projects, including the annual maintenance and operation charges, exceeded the value of the land with the water rights.

The Preston-Engle report demonstrates the great injustice which has been done to the Indians living under many of these Indian Bureau irrigation projects—projects which never should have been undertaken and some of which should be promptly abandoned.

The Indian Bureau has charged the cost of some of these irrigation projects, as well as the cost of maintenance and operation, to the tribal funds of the Indians, although the projects were not approved by the Indians and were of no advantage to them. The collection of reimbursable debts are typically made by transferring the lien, so called, to the purchaser of Indian lands, which, of course, as I have stated, diminishes the price which he pays for the acquired lands. In this manner, it is said, the Indian pays the reimbursable lien, but he pays it not to the Government but to the white purchaser of his land. The Indian actually pays by taking a reduced purchase price for his land. The white purchaser receives the lien, valid or invalid, knowing in advance that it is so great that it can never be paid except in a small part. He knows that the lien will continue to increase and the cost of operation and maintenance charges will not be paid in full and will accumulate as time goes on.

The Secretary of the Interior, in his report to the Senate under date of December 1, 1930, states that although the Government has expended \$36,764,768 in the construction of these irrigation projects and \$10,998,937.69 in operation and maintenance costs, it has received in return but \$1,416,299.99 to apply upon the construction costs and \$3,753,858.25 toward the cost of operation and maintenance. It is obvious that the Government or the Indians, or both, will sustain enormous losses by reason of these irrigation projects.

As I have stated, the Indians who have funds to their credit will have such funds depleted, and many Indians who derive no benefit whatever will be compelled to pay their proportion of the entire sum charged against their tribe, even though they had no land that could be irrigated under the project or that was susceptible of irrigation. Under some of these projects lands which had not and could not be irrigated are charged with a part of the costs of the project. This was done without the Indians' consent and against their protest.

On the Klamath Reservation land high on the mountains, covered with stumps, which never can be irrigated, was charged with the costs of the Klamath irrigation project which the Preston-Engle report recommended should be abandoned.

The question of gratuities and reimbursable payments was discussed by Mr. Snyder, chairman of the Committee on Indian Affairs of the House, on June 6, 1920. He stated:

In that investigation we developed the fact that certain appropriations had been carried for years as reimbursables that should have been carried as gratuities. We also found in the reimbursable items for irrigation purposes that the same state of affairs existed. Money in large amounts for many years, dating back as far as 1884, had been appropriated for reimbursable irrigation projects as gratuities, down to August 1, 1914, when, by some wave of imagination, some Member of this body or somebody outside conceived the idea that the law should be changed by adding the words "theretofore" or "thereafter" in such a way that nearly \$7,000,000 which had been given to the Indians during these previous years should be changed into a liability and made a charge upon the Indians' property.

Your committee went into those matters very carefully and at great length, and it has concluded to bring the bill in here with language in it which will correct those matters and straighten up the books of the bureau, which up to the time of this investigation, in my judgment, have never been in shape so that any correct information could be obtained from them.

I doubt very much whether in this great mass of information we have here in the report there is of particularly great value, as it has seemed to me, at least, as one member of the committee. We had but one man before us out of a great number from the Secretary of the Interior down to the second and third assistants in the various departments, who was able to give us any but a very small amount of information from his actual knowledge.

For instance, the first witness we had on the stand was the commissioner himself. When we got to the point of discussing the reimbursable irrigation items he made a speech, in which he stated that probably 50 per cent of those projects were defensible; that many of them were of a doubtful character, and that some should be eliminated entirely.

Mr. President, I call attention to the statement made in 1920 by the Secretary of the Interior, that only 50 per cent of the irrigation projects could be defended. Indian funds and taxes of the people of the United States were taken out of the Treasury to the extent of millions of dollars and wasted upon the 50 per cent of the irrigation projects that could not be defended and the remainder spent upon the 50 per cent that it was claimed at least could be defended.

Mr. Snyder continues:

Mind you, gentlemen, we have already spent \$20,000,000 in those projects, and the estimates for the completion of the same run into much more than \$20,000,000.

Mr. President, we are now told by the Commissioner of Indian Affairs in his report for the fiscal year ended June 30, 1929, that upon these various projects \$37,104,000 had been expended for construction, and for operation \$10,284,000, amounting to more than \$47,000,000. I shall show later that as the appropriations have increased the number of acres irrigated by the Indians has diminished.

I have before me a letter from Mr. Wilbur, Secretary of the Interior, under date of December 31, 1930, addressed to the President of the Senate, accompanying a report showing costs and other data with respect to Indian irrigation projects as compiled at the end of the fiscal year ending June 30, 1930, to which I have referred. The report—and I have heretofore referred to it—shows that up to June 30, 1930, the total cost of the projects is \$43,384,387.31, stated that \$20,000,000 had been invested, and that it would take \$20,000,000 to complete the projects. There have been expended \$43,000,000, and the reports indicate that \$30,000,000 additional will be required to complete them. If the bureau runs true to form, it will cost very much more than estimated to complete the projects.

This means that more than \$70,000,000 are to be expended for these irrigation projects, supposedly for the benefit of the Indians, but the result will be thousands of Indians will be deprived of their lands and there will be imposed upon the Federal Government a burden of many millions of dollars. It is possible that the white settlers who acquire these Indian lands will derive some benefit from a few of these projects, but if they do it will be at the expense of the Indians and at an enormous cost to the Federal Treasury.

In the same report submitted by the Secretary it is stated that the land irrigated by the Indians under all the reservations amounts to but 101,484 acres, a diminishing amount during the past few years. The irrigated land owned by the Indians and leased to the whites is but 179,520 acres, but the white settlers irrigate 400,000 acres which they acquired from the Indians. It will be seen from this

report that the irrigation system, so far as the Indians are concerned, has proven of but little, if any, value. Indeed, it seems to me, that in the final settlement the Indians will have suffered by this experiment. Their land, except in a few cases, will have been left to the whites.

I return now to Mr. Snyder's address. He refers to the difficulty which his committee experienced in obtaining any facts from the Indian Bureau, and that those from whom he expected information were unable to supply it.

Neither could he [the Secretary of the Interior] give the name of one single contractor, although he admitted that much of the work was being done by contract; and, finally, after having made the statement which I have quoted, that probably 50 per cent of these projects were defensible, that some of them were of a doubtful character, and that some of them should be eliminated entirely, he left the stand with the agreement with the chairman that he did not know anything about any particular one of these projects, in particular or in general.

Mr. Snyder was asked a question by Mr. Green, of Iowa: Are these projects solely for the benefit of the Indians?

The reply was:

I am glad the gentleman asked that. It will take me some time to answer that question, but I will say that 90 per cent of the land which is being cultivated or used under these projects is being cultivated and used by white men.

And yet the Indians, out of their reimbursable funds, have been charged with millions. Although under the law they were entitled to have their patents from the Government free from any lien, the Indian Bureau superimposed liens upon these lands, and the books of the Indian Bureau show charges year by year for construction and for annual expenses which are regarded as charges against the land; so that if the land is disposed of, whether it be sold by the Indian in his lifetime or by the bureau upon his death, the amount agreed upon as the price of the land is not paid to the Indian for the same. All of the accumulated charges for the cost of construction, as well as for operation and maintenance, are deducted from the purchase price so that the Indian, as I have heretofore stated, receives nothing whatever but a fraction of the purchase price. The fact is, Mr. President, that in some instances the costs charged against the land exceed the market value. This means that in some cases the Indian not only loses his land but his interest in the tribal funds will suffer a diminution where advancements have been made from the tribal funds in behalf of the irrigation project.

Returning to Mr. Snyder's statement:

We have traced back the original policy laid out by the bureau. * * * It was to create irrigation schemes for the purpose of making the Indian an agriculturist; but in the last few years it has been found that the Indian will not make an agriculturist.

So we find that in the larger projects where there are 30,000 acres being cultivated 25,000 or 26,000 acres are being cultivated by white men and only 3,000 or 4,000 by the Indians.

If time permits, Mr. President, later I shall show the number of acres irrigated by the Indians upon the various projects. As I stated a few moments ago, the aggregate number of acres under the irrigation projects which the Indians themselves irrigate is only 101,000 acres.

Mr. Snyder proceeds:

I will tell you just what the Indian gets. If, after the white man has taken over this property, he is able to pay, and if the final amount that will be assessed against the acreage when the scheme is finished is less than the amount that the Indian Bureau agreed to sell the property to the white man for, the Indian gets the difference. That is in cases where the title passes. In many of these projects the Indian leases the land that has been allotted to him for so much a month or so much per annum. That, of course, goes into a tribal fund. Eventually some part of it may find its way back to the Indians.

I stated here in the beginning that we have discovered that practically all the appropriations made previous to August 4, 1914, for Indian projects were appropriated as gratuities; but on that date in an appropriation bill which was passed by this House some one wrote into the law the language that all moneys "therefore or thereafter" expended upon these projects should become a charge against the land and collected from the people who own the lands. I maintain that that was illegal, that it was an injustice, that it is not collectible, and that it is impossible to collect moneys which were advanced from 1888 down to this time.

The same thing applies to \$2,500,000 that has been appropriated since that date for the purpose of helping to survey the land. There is a charge on the books of the bureau against unknown Indians of \$2,500,000 that is absolutely uncollectible; that, in the judgment of the committee, would cost \$10 to collect every \$1 that might be collected upon anyone of those lands. So I say, that on August 4, 1914, in order that a liability should be turned into an asset to make a showing, some one wrote into the law that all of the moneys expended for this purpose "therefore and thereafter" should be a charge against the land.

We have all the record on the subject that can be found. It is impossible to trace the man who made that suggestion.

Mr. Snyder then states:

There have been nearly \$20,000,000 expenses on these projects, not one penny of which has ever been returned; and until this investigation was started nobody on earth had ever suggested that there would ever be a time when any part of it should be returned or any arrangement made to have it returned.

In the seven years that the commissioner has had charge of the bureau the cost of operating it has increased a million dollars per annum. During that period the number of Indians have been reduced from 21,000 or 70,000.

I suppose he means that the number that were restricted has been reduced 21,000 or 70,000.

God knows which, and notwithstanding that, the annual expenses of that bureau has increased \$6,000,000 per annum. When the present commissioner took it over the expenditures of the bureau were about nine million three or four hundred thousand dollars. In the estimate for this bill they ask us to legislate into the bill \$17,400,000. During that period the number of statutory employees on the rolls of the bureau have increased by thousands, until to-day it is over 6,000. Think of it, in that one little bureau! My opinion is, and I state it without fear of contradiction by the commissioner or anybody else, that this present commissioner has cost the Government of the United States in the neighborhood of \$40,000,000. Think of an increase of \$6,000,000 a year and the number of restricted Indians reduced from 21,000 or 71,000!

It has been believed by myself and everybody else that the Indian Bureau was a diminishing bureau, but, gentlemen, it only diminishes in this way: It diminished the number of Indians over which it has restriction, but the expenses of operating for the smaller number is appreciating all the time.

Mr. President, I asked the Indian Bureau, in view of the statement made the other day by me, to which attention was drawn by the Senator from Montana, to furnish me some information bearing upon the question then discussed. I stated, reading from the Preston-Engle report, that attempts to collect for construction costs and in some instances for the operating expenses had been resisted, and the courts had held that the owners of the land were not required to reimburse the Government for the money which had been expended in the construction of the projects. I have a letter here from the commissioner under date of January 9, from which I read as follows:

You were particularly interested in learning the nature of the reimbursement requirements imposed upon these Indian projects; the amount of expenditures on these projects; the collections that had been made; where liens have been created against the project lands and can be enforced; where such liens can probably not be enforced; the probable losses sustained by reason thereof, and the effect of the acts of August 1, 1914 (38 Stat. 583), and February 14, 1920 (41 Stat. 408), and the Attorney General's opinion of September 2, 1921 (33 Opinions of Attorneys General, p. 25), as well as the case of *U. S. v. Heinrich*, reported in 16 Federal Reporter, 2d series, pages 112-113, all of which were briefly discussed with you over the telephone.

Construction of irrigation works on the Indian reservations was undertaken primarily for the benefit of the Indians allotted on the reservations so that they could successfully cultivate and grow crops in the semiarid sections where such crops could not profitably be grown without artificial application of water, owing to the inadequacy of the precipitation.

On some of these projects the construction work was pursued so as to include ceded tribal lands of the Indians. Such lands were appraised and opened to entry, the entryman paying the appraised price for the lands selected, the proceeds derived therefrom going to the Indians. However, to a large extent the white-owned lands on the Indian projects were former Indian allotments that were sold either for the benefit of an indigent Indian or in the settling of the estate of a deceased Indian. Prior to February 14, 1920, no attempt was made to collect construction charges against these lands under Indian projects. By an act of that date (41 Stat. 408) the Secretary of the Interior was authorized and directed to assess and begin the collection of such charges on Indian projects.

Difficulty arose by reason of the fact that white landowners had purchased former Indian allotments under advertisements by the superintendents of the various reservations holding out that a

paid-up water right went with the land and was included in the purchase price. An opinion by the Attorney General of September 2, 1921 (33 Ops. Atty. Gen. 25), held that those persons could not be required to pay construction charges even though the price paid for the land may have been less than the actual per acre cost of providing the irrigation facilities for the land. After the rendition of that opinion regulations were issued requiring the superintendents to execute contracts with the prospective purchasers of former Indian allotments to pay their share of the irrigation costs. Since the issuance of these regulations, where Indian irrigable lands are sold, contracts are executed with the purchasers requiring them to assume accrued irrigation charges and to pay those and future charges until the total cost assessable against a particular tract has been paid. These charges are payable over a period of 40 years.

Commissioner Rhoads proceeds:

Another phase of the matter is that some of the Indians received fee patents for their lands containing clauses that such lands were free of all incumbrance, and in many cases these lands have been sold by the Indians under warranty deed. The solicitor for the department has held where no specific lien was created by act of Congress for the repayment of the irrigation charges the obligation was in the nature of a personal one against the individual Indian, and that the land sold by a fee-patent Indian was not subject to the construction charges that accrued prior to the date of the issuance of the fee patent. * * *

It will be noted that the first act creating a lien against any lands under an Indian irrigation project was March 3, 1911. In view of these conditions existing on the projects where liens have been created, the purchasers of Indian lands prior to the creation of such lien, as heretofore pointed out, were not obligated to pay construction charges.

No requirement for the collection of construction charges was imposed by Congress until February 14, 1920. The regulations issued thereunder, as amended, require payment of charges over a period of about 40 years. Under the regulations, with the exception of special projects such as the San Carlos project, on which no construction assessment has been levied, 11 installments have fallen due. With very few exceptions the Indians are financially unable to pay these construction assessments, with the result the assessments have been levied and are piling up without being collected.

The construction collections that have been made have practically all come from the white owners of lands who have acquired such lands within the Indian projects.

And the report I have here of the Secretary of the Interior shows that the entire construction costs which have been collected during all these years upon all these irrigation projects are approximately \$1,416,299. He also states that of the operating costs, which amount to more than \$10,000,000, less than one-third has been paid. So that the Indians out of their tribal funds, or the Government of the United States, have been compelled to meet these construction costs and operating expenses.

The Government has not been reimbursed. The Indians, where they have had funds and the charge has been made against those funds, have suffered by reason of the deductions which have been made from their tribal funds.

The further statement is made that—

It is impossible to state at this time the sum that can not be collected by reason of the sales heretofore referred to that were made under conditions whereby the purchaser of the land is not liable by reason of the advertisement and the fact that no legislation had been enacted at that time creating a lien against the land to assure repayment of the proper share of the cost of the work being done.

It will be perceived that the allotment act of Congress, passed in 1887, as well as all subsequent legislation dealing with the question of allotment of lands to the Indians, guaranteed to the Indians receiving them a fee-simple title, and that the lands should be free from all liens and incumbrances. Notwithstanding this guaranty on the part of the Government, the Government proceeded, against the law and over the protest of the Indians, to inaugurate and construct irrigation projects upon their lands, most of which, as I shall show, were failures. The Indian Bureau has insisted that the cost of these irrigation projects should be paid by the Indians finally; that is to say, the expenditures made on account of the irrigation projects would be reimbursed by the Indians, the cost being made a lien upon the allotments.

In 1914 the expenditures by the Government on irrigation projects aggregated approximately \$3,100,000. The bureau had respected the act prior to this date and had not charged or attempted to charge the Indians with the cost of the irrigation projects; but the act of August 1, 1914,

was made retroactive, and sought to charge the Indian lands with the costs of the irrigation projects, and attempted to create a lien upon said lands to the extent of the expenditures made up to that date by the Indian Bureau. Since that time all expenditures have been made reimbursable, and my understanding is that to date they total over \$43,400,000. This is shown by the annual report of the Commissioner of Indian Affairs for 1929. I should add that since this report was rendered the expenditures by the Indian Bureau upon these projects would approximate one and one-half million dollars, so that the aggregate would amount to \$45,000,000.

The Indians have resisted this position of the Indian Bureau, contending that under the law they were entitled to their land free of all incumbrances. They have sought to test the validity of the view of the Indian Bureau, and from time to time have offered bills in Congress giving them authority to bring the necessary suit. However, the Indian Bureau has opposed these measures, and has been successful in this opposition. It should be said, however, that Judge Payne, when Secretary of the Interior in 1920, approved a measure which would permit the Indians to prosecute a test case in the courts. However, no legislation resulted; and, as stated, the Indian Bureau has blocked all efforts since then to obtain the necessary legislation to test the matter.

I have here a copy of the letter of Judge Payne, addressed to Mr. Snyder on April 30, 1920, in which reference was made to a resolution then pending; and Judge Payne in this letter, after making some suggestions as to the proposed resolution which would permit suit, indicates his willingness that the question should be tested. I shall not take the time of the Senate to read the letter.

It has been argued that, regardless of all the blunders and wrongs, the irrigation systems have enhanced the value of the lands; and they state that so long as the original allottee lives he obtains some benefit from these enhanced values, even though a confiscatory lien will be collected from his estate through heirship sales after his death.

The Preston-Engle report suggests the answer. It finds that the total investment in irrigation on the Crow Reservation was \$2,990,219. It then computes the probable returns, with relation to the productivity of the land, and so forth. And it concludes that the probable net loss on the investment, through 1927, was \$2,217,406. In other words, the net loss is about 74 per cent of the total investment (pp. 2381-2382).

This computation by the engineers, however, leaves out of account the rapidly increasing operation and maintenance costs. Typically, these costs rise year by year, with the inevitable obsolescence of the structures.

If the whole investment were charged off as a complete loss, still on most of these northern reservations the economic yield of the land does not make it possible to meet the operation and maintenance charges.

The engineers insist throughout the Preston-Engle report on the increasing effectiveness of dry farming and on the rapid substitution of dry farming in these Indian areas.

It is probable, judging by the Preston-Engle report, that the irrigation systems on these northern reservations represent an actual destruction of values, rather than an enhancement of values; this, on the directly economic side.

As for the mental or human side, this must not be disregarded. The Indians, tied up in the impracticable allotment system and with this cloud of debt hanging over them, and knowing that the debt will be collected out of their estates, are rendered hopeless and are filled with bitterness and despair.

Any person who claims that the irrigation systems on the northern reservations have benefited the Indians speaks without knowledge or responsibility, whether with respect to the economic facts or the more important psychological facts.

In order to collect the reimbursable debts, the Indian Office employs every means at its command to induce the Indians to lease their lands. The Indian, under all the handicaps of the allotment system and practically denied access to credit, yields to the pressure of the Indian Bureau

and does lease his land. The demoralizing consequences are self-evident.

The Preston-Engle report recites cases where rental is 50 cents per acre per year on irrigated land and the operation and maintenance charges are \$1 per acre per year, disregarding construction charges.

The extravagance and unproductiveness of the Indian Bureau's reclamation system becomes clear when the bureau's data for the fiscal year 1929 are compared with its data for the fiscal year 1924. The total acreage irrigated, as shown in the hearings—and I have the pages here before me—was 331,627 acres in 1924. In 1929 it was 361,708. The total acreage irrigated by the Indians in 1924 was 118,151. At the close of June of last year, as shown by the report of the Secretary of the Interior, the amount was only 101,000 acres. So that with all these expenditures, amounting to millions of dollars, the Indians are irrigating less land now than they did in 1924. As I have indicated, the net cost of construction of these projects was more than \$43,000,000.

It will be shown from these reports that the Indian irrigation has diminished in five years; that the total irrigation has increased only 10 per cent in the five years; and that increase has been by the acquisition upon the part of the whites of some of the lands of Indian decedents, and perhaps others who had acquired title. The cost to the Government has increased 47 per cent in the five years. With the diminishing acreage irrigated by the Indians, and only a 10 per cent increase of lands irrigated by the whites, it might truthfully be said that these Indian irrigation projects are not for the benefit of the Indians. Apparently they are for the benefit of the whites, although it is questionable how much the benefits will be in the long run.

Although \$13,000,000 has been expended in the five years between 1924 and 1929, the estimated cost to complete the projects has not been reduced, but has been increased \$3,278,000. In other words, with all these appropriations between 1924 and 1929, the cost of completing the projects which was then suggested has been increased by the sum last named, \$3,278,000.

The net cost to the Government and the net reimbursable debt on Indians and settlers for each irrigated acre has increased from \$87 in 1924 to \$118 in 1929, or to \$123 in 1929 if the Pueblo acreage, not built at Government expense, is to be taken into account.

As early as 1919 Members of Congress insisted that the bureau's reclamation system was overexpanded. Congressman Rhodes, of the House Indian Affairs Committee, is quoted as follows:

The most important lesson that I have drawn from the inquiry that you have taken part in is this: I have concluded that on many of these reservations the reclamation projects have been carried forward to the point, whether complete or incomplete, where they are actually in advance of the needs of the people residing upon the lands within the irrigated district. I have also drawn the conclusion that it is practical from a governmental standpoint to discontinue some of these units without material injury to the projects.

Notwithstanding that statement, and notwithstanding the Engel report, the Indian Bureau has demanded each year appropriations for continuing the development of projects which have been already overexpended, and some of which, because of their hopeless situation, should have been abandoned.

Mr. President, I desire to insert in the RECORD a portion of the act of May 29, 1908, "An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes." The act provides that—

The land irrigable under the systems herein provided, which has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such lands without cost to the Indians for construction of such irrigation systems. The purchaser of any Indian allotment, purchased prior to the expiration of the trust period thereon, shall be exempt from any and all charge for construction of the irrigation system incurred up to the time of such purchase. All lands allotted to Indians

shall bear their pro rata share of the cost of the operation and maintenance of the system under which they lie.

That supports the view that the Indians were to obtain a perfect title to their lands and that they should be free from any lien or any incumbrance. Before the bill leaves the Senate I shall place in the RECORD a number of statements taken from the Preston-Engle report dealing with the irrigation activities of the Indian Bureau.

Mr. President, I have a number of amendments which I shall offer at the appropriate time, and may submit a few observations concerning the same.

During the delivery of Mr. KING's speech—

Mr. WATSON. Mr. President, will the Senator yield to me long enough to make an announcement?

Mr. KING. I yield; yes.

Mr. WATSON. I desire to serve notice that on to-morrow evening I shall ask the Senate to remain in session continuously, without recess for dinner, and, if possible, to remain in session until the passage of the pending bill.

After the conclusion of Mr. KING's speech,

Mr. SMOOT obtained the floor.

Mr. McNARY. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. I yield.

Mr. McNARY. Mr. President, may I ask the junior Senator from Utah whether he has completed his remarks on the pending amendment?

Mr. KING. I have. I have a number of amendments which I desire to submit at the appropriate time, upon which I may make some observations.

Mr. McNARY. Have the amendments been offered, and are they printed?

Mr. KING. No.

Mr. McNARY. They will be offered from the floor by the Senator?

Mr. KING. Yes.

Mr. McNARY. So far as I know, the senior Senator from North Dakota [Mr. FRAZIER] is the only Senator who is yet to speak upon the pending amendment. Is that the knowledge of the Senator from Utah?

Mr. KING. I did not know that the Senator from North Dakota was to speak on it, although I was advised that he might speak.

Mr. McNARY. Earlier in the day, following a promise made yesterday, I stated that I would move an adjournment this evening. I desire to state now that in view of the situation in the Senate, and the lack of progress we are making, I shall ask the Senate to remain in session to-morrow night as long as a quorum can be developed or until the pending bill is passed.

Now, with the permission of the Senator from Utah [Mr. SMOOT], I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 4 o'clock and 50 minutes p. m.) adjourned until to-morrow, Wednesday, January 21, 1931, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate January 20 (legislative day of January 5), 1931

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Charles E. Mitchell, of West Virginia, now minister resident and consul general to Liberia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Liberia.

CONFIRMATION

Executive nomination confirmed by the Senate January 20 (legislative day of January 5), 1931

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Charles E. Mitchell to be envoy extraordinary and minister plenipotentiary to Liberia.